

**MICRONESIAN MARITIME AUTHORITY
INTERIM RESEARCH AND TRAINING VESSEL LICENSING REGULATIONS**

1. GENERAL PROVISIONS

1.1. Statement of Purpose. These interim regulations provide for procedures by which owners or operators of certain research or training 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 interim regulations are promulgated pursuant to Section 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. 3-10. These interim regulations are intended to standardize the methods by which research or training vessels are granted permits to operate within the Exclusive Economic Zone of the Federated States of Micronesia. These interim regulations apply to research or training vessels which are:

- (a) not registered in the Federated States of Micronesia; or
- (b) not wholly owned by citizens of the Federated States of Micronesia; or
- (c) not wholly controlled by citizens of the Federated States of Micronesia; or
- (d) of foreign registry chartered by citizens of the Federated States of Micronesia.

These interim 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 Research and Training Permit shall constitute acknowledgement on behalf of the applicant that he accepts the authority of the Micronesian Maritime Authority to administer laws, rules and regulations over marine resources within the Exclusive Economic Zone of the Federated States of Micronesia.

2. DEFINITION

2.1. "Research or Training Vessel" means any vessel, boat, ship or other craft which has as its main purpose the training of personnel for eventual employment in the fisheries professions or which conducts scientific studies, investigations or inquiries into the status of stocks, life history or any other biological aspect of living marine resources, and which usually catches fish by commercial or non-commercial methods for the furthering of any of these activities.

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

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

2.4. "Fish" means any living marine resource.

2.5. "Fishing means:

- (a) the actual or attempted catching, taking, or harvesting of fish;
- (b) any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or
- (c) any operations at sea in support of or in preparation for any activity described in Subparagraphs (a) and (b) above.

2.6. "Income budgeted" means a vessel which sells any part of its catch to defray operating expenses in any manner whatsoever.

2.7. "Not budgeted" means a vessel which does not sell any part of its catch for any purpose whatsoever.

3. PERMIT REQUIRED

3.1. No research or training 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 to these interim regulations. No research or training vessel shall engage in the Territorial Sea of a state of the Federated States of Micronesia unless such vessel has been issued a valid permit issued by the appropriate state for such vessel.

4. PROCEDURES FOR APPLYING FOR A RESEARCH AND TRAINING PERMIT

4.1. Applications for Research and Training Permits may be obtained from:

The Executive Director
Micronesian Maritime Authority
Post Office Box PS 122
Palikir, Pohnpei
Eastern Caroline Islands
Federated States of Micronesia, 96941

Applications may also be requested by telex from the Executive Director, at Telex number 6812 MMA FSM in Pohnpei. Applications may also be requested by facsimile at telefax number (619) 320-2383.

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.

4.3. The application shall contain a space where the applicant must indicate if the vessel is income budgeted or not.

- (a) If the vessel is not income budgeted, a signed statement to that effect from the owner, operator or relevant national authority must accompany the application.
- (b) It will be assumed that the applicant vessel is income budgeted unless a statement in compliance with Subparagraph 4.3.(a) above is appended to the application.

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 are not qualified to receive a Research and Training 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 Chairman of the Micronesian Maritime Authority at the address noted in paragraph 4.1. above. The decision of the Chairman in determining the suitability of the applicant or vessel for a Research and Training permit shall be final.

6. PAYMENT OF FEES

6.1. The issuance of the permit shall be contingent upon the following terms and conditions:

- (a) Vessels engaged in scientific research and scientific training.
 - (i) this type of vessel normally carries out only sampling of fish species and amount of the catch is negligible, and no fee is charged.
 - (ii) the results of scientific research and/or the cruise report shall

be made available to the Government of FSM.

(iii) on the request of MMA, scientific observer(s) and/or trainee(s) shall be boarded and accommodated, provided that:

- (a) the number of scientific observer(s) and/or trainee(s) shall be not more than two (2) at one time, due to the limitation of space accommodations.
- (b) Location(s) of boarding and leaving of scientific observer(s) and/or trainee(s) shall be the most convenient location(s) scheduled in the cruise program of the vessel, and the costs of transportation from/to such locations(s) shall be met by Government of FSM.
- (c) The insurance for scientific observer(s) and/or trainee(s) on board, such as life insurance, medical insurance, injury insurance, shall be met by the Government of FSM.
- (d) The owner or operator of the vessel shall not be liable for any accident or injury caused to the scientific observer(s) or trainee(s) as the result of the scientific observer(s) or trainee(s) negligence or force majeure.
- (e) Normal accommodation, food and medical care shall be provided at the cost of the owner or operator of the vessel, and working clothes and equipments required for the observation or training shall be available on board

(2) Vessels engaged in fisheries research and training.

(i) A catch report shall be completed and submitted to the Authority in the same format as used for commercial fishing vessels of the same gear type. The summary of the research and training carried in the 200-mile Exclusive Economic Zone, including analysis and conclusion of the activities if any, shall also be presented in English to the Government of FSM.

(ii) Fee levels

(a) The permit fees, when no scientific observer(s) or trainee(s) of FSM is/are accommodated, are as follows:

L/L type: USD 900.00 / vessel / trip
P/L type: USD 900.00 / vessel / trip
P/S type: USD 2,100.00 / vessel / trip

The above fee levels are 25% of the average fee levels of commercial fishing vessels of the same gear types in the latest 3 calendar years. The ratio(%) shall be fixed until necessary alteration, but the average fee levels of commercial fishing

vessels of the same gear types in the latest 3 calendar years shall be revised every year.

(b) The permit fees, when scientific observer(s) and/or trainee(s) of FSM is/are accommodated, are as follows:

L/L type: USD 600.00 / vessel / trip
P/L type: USD 500.00 / vessel / trip
P/S type: USD 1,300.00 / vessel / trip

The above fee levels are 15% of the average fee levels of commercial fishing vessels of the same gear types in the latest 3 calendar years. The fees shall be revised in the same manner as prescribed in item a) above.

(iii) Upon request of the MMA, scientific observer(s) and/or trainee(s) shall be boarded and accommodated, provided that:

(a) The number of scientific observer(s) and/or trainee(s) shall be not more than 2 at one time, due to the limitation of spare accommodations.

(b) Locations(s) of boarding and leaving of scientific observer(s) and/or trainee(s) shall be the most convenient locations(s) scheduled in the cruise program of the vessel, and the costs of transportation from/to such location(s) shall be met by Government of FSM.

(c) The insurance for scientific observer(s) and/or trainee(s) on board, such as life insurance, medical insurance, injury insurance, shall be met by the Government of FSM.

(d) The owner or operator of the vessel shall not be liable for any accident or injury caused to the scientific observer(s) or trainee(s) as the result of the scientific observer(s) or trainee(s) negligence or force majeure.

(e) Normal accommodation, food and medical care shall be provided at the cost of the owner or operator of the vessel, and working clothes and equipments required for the observation or training shall be available on board.

(3) Vessels engaged in commercial pilot operations:

(i) A catch report shall be completed and submitted in the same format as used for commercial fishing vessels of the same gear type. The summary of the commercial pilot operations carried out in the 200-mile Exclusive Economic Zone, including analysis and conclusion of the activities work if any, shall also be presented in English to the Government of FSM.

(ii) Fee levels

(a) The permit fees, when no scientific observer(s) and/or trainee(s) of FSM is/are accommodated, are as follows:

L/L type : USD 2,200.00 / vessel / trip
P/L type : USD 2,200.00 / vessel / trip
P/L type : USD 7,500.00 / vessel / trip

The above fee levels are 60% of the average fee levels of commercial fishing vessels of the same gear types in the latest 3 calendar years in case of L/L and P/L types, and 90% in case of P/S type. The ratio(%) shall be fixed until necessary alteration but the average fee levels of commercial fishing vessels of the same gear type in the latest 3 calendar years shall be revised every year.

(b) The permit fees, when scientific observer(s) and /or trainee(s) of FSM is/are accommodated, are as follows:

L/L type : USD 1,800.00 / vessel / trip
P/L type : USD 1,800.00 / vessel / trip
P/S type : USD 6,700.00 / vessel / trip

The above fee levels are 50% of the average fee levels of commercial fishing vessels of the same gear types in the latest 3 calendar years in case of L/L and P/L types, and 80% in case of P/S type. The fees shall be revised in the same manner as prescribed in item (a) above.

(iii) Upon request of MMA, scientific observer(s) and/or trainee(s) shall be boarded and accommodated, provided that:

- (a) The number of scientific observer(s) and/or trainee(s) shall be not more than 2 at one time in case of L/L and P/L types, and 1 in case of P/S types, due to the limitation of spare accommodations.
- (b) Location(s) of boarding and leaving of scientific observer(s) and/or trainee(s) shall be the most convenient location(s) scheduled in the cruise program of the vessel in case of L/L type. In the case of P/L and P/S type vessels which do not enter into any port during the trips, it shall be a suitable port in Japan and the costs of transportation from/to such location(s) shall be met by Government of FSM.
- (c) The insurance for scientific observer(s) and/or trainee(s) on board, such as life insurance, medical insurance, injury insurance, shall be met by the Government of FSM.
- (d) The owner or operator of the vessel shall not be liable for any accident or injury caused to the scientific observer(s) or trainee(s) as the result of the scientific observer(s) or trainee(s) negligence or force majeure.

- (e) Normal accommodation, food and medical care shall be provided at the cost of the owner or operator of the vessel, and working clothes and equipments required for the observation or training shall be available on board.
- (4) Vessels engaged in other fishing activities for the purpose of Research and Training.
 - (i) The same terms and conditions with the exception of fee level should be applied as above.
 - (ii) The Permit Fee shall be determined by the Executive Director on a case by case basis with consultation with the Chairman.
 - (iii) In determining such fee, consideration should include:
 - (a) Value of expected catch for the research period;
 - (b) Benefit of Research information to the FSM; and
 - (c) Other related benefit to the FSM from such research activity.

7. DURATION OF PERMITS

7.1. The duration of the permit shall be for each trip in the FSM 200 mile Exclusive Economic Zone.

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. The Authority may pro-rate the fees for the extension period.

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 and transmission to the Authority is provided by the Permittee. Any such renewed or subsequent permit issued shall be subject to the payment of fees as determined by 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 regional standard log book form for commercial vessels of a similar type utilizing the same methods and fishing gear or any other forms that may be prescribed by the MMA;
- (b) the cruise report of the trip as compiled by the chief scientist, operator, or other person in charge during the course of the voyage; and
- (c) a statement as to the general nature of the research or training and an explanation as to how this particular cruise fits into the overall research or training goals of the institution operating the vessel.

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.

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 requirements, 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 Chairman of the Micronesian Maritime Authority at the address noted in paragraph 4.1. above. The decision of the Chairman 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 and shall remain in force for six (6) months after the date of such signature.

11. ADOPTION OF REGULATIONS

11.1. Pursuant to the authority vested in me 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. 3-10, these Interim Research and Training Vessel Licensing

Regulations are hereby adopted and shall take effect immediately.

Date: (July 27, 1989)

(Signed)
Andon L. Amaraich
Chairman
Micronesian Maritime Authority

The provisions of these Interim Research and Training 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: (7/26/89)

(Signed)
Attorney General