

L.D.B 1/2012(II)

FISHERIES AND AQUATIC RESOURCES ACT No. 2 OF 1996

REGULATIONS made by the Minister of Fisheries under Section 61(1)(I) and (t) of the Fisheries and Aquatic Resources Act, No.2 of 1996

Mahinda Amaraweera,
Minister of Fisheries.

Colombo,
25th March 2015.

Regulations

1. These regulations may be cited as Implementation of Port State Measures to Prevent, Deter and Eliminate Illegal Unreported and Unregulated Fishing Regulations 2015.

2. (1) No person shall except under authority of a license issued by the Director General of the Department of Fisheries and Aquatic Resources, (hereinafter referred to as the "Director General") land, transship, pack or process fish taken outside Sri Lanka waters by a foreign fishing boat, or obtain services such as resupplying, maintenance and dry docking for such boat at any port of Sri Lanka, authorized by the Director General.

(2) Director General shall take steps to prevent such activities specified in paragraph (1) of the regulation being carried out in any port in Sri Lanka except in a port designated and declared in the Indian Ocean Tuna Commission or any port of Sri Lanka authorized by the Director General.

3. Every application for a license specified in regulation 2 shall be made substantially in the form specified in schedule I hereto and shall be accompanied by certified copies of boat registration issued by the Flag country, certificate of authorization to fish in high seas issued by the Flag country or any coastal state, the advance declaration in schedule II hereto and any other document requested by the Director General with a fee of ten thousand rupees.

4. An application referred to in regulation 3 shall be made at least forty eight hours in advance prior to the entering of the boat in to the designated port for the first time and twenty four hours in advance prior to the re-entering of such boat to the designated port or immediately after the end of fishing operation. if the time distance to the port is less than twenty four hours. .

5. (1) The license shall be substantially in the form specified in Part I, II and III of Schedule III for landing, transshipment and for maintenance, dry docking and port of services respectively.

(2). Every license referred to in regulation 5(1) shall be valid for a time period specified therein and shall be subject to the conditions imposed by Director General in conformity with the relevant resolutions adopted by the Indian Ocean Tuna Commission and the Port State Measures Agreement.

6. Every license holder shall comply with the provisions of the Immigrants and Emigrants Act, No. 20 of 1948 and the Customs Ordinance (Chapter 235) when acting under the license in addition to the terms and conditions imposed by this regulation and the license issued thereunder.

7. When the Director General has sufficient evidence to believe that the boat seeking entry into the designated port has been engaged in Illegal, Unreported and Unregulated fishing (hereinafter referred to as IUU fishing) related activities or in support of such fishing, in particular the boat on a list of vessels having been engaged in IUU fishing or such fishing related activities adopted by a Regional Fisheries Management Organization, he shall deny entry to the designated port and

such decision shall be communicated to the Flag country of the boat, coastal country of which, the fishing is authorized, State of which the master of the boat is a national and the Indian Ocean Tuna Commission.

8. Every foreign boat permitted entry to the port, shall be inspected by the qualified inspectors authorized in writing in that behalf for that purpose in accordance with the procedure in schedule IV hereto and submit the report of port inspection in the format specified in schedule V hereto to the Director General. The Director General shall transmit the port inspection report to the Flag country and the Indian Ocean Tuna Commission in conformity with the relevant resolutions adopted.

9. The master, skipper or the captain of any boat subject to inspection shall cooperate with the inspector in carrying out the inspection procedure.

10. The inspector shall avoid any undue delay when carrying out any inspection in order to ensure minimum interference and inconvenience in respect of a passage of such vessel and degradation of the quality of the fish.

11. The communication system of the boat shall be linked to the radio frequencies of the Monitoring Control Surveillance unit of Department of Fisheries and Aquatic Resources of Sri Lanka and each boat shall carry "a transponder which is linked to the central monitoring system of the flag state.

12. The master, skipper or the captain of boat shall submit a copy of the log book maintained in terms of fish catch data collection and data of tuna catch and similar species with the geographic location of which the catch has taken place and the transshipment declaration if a transshipment has taken place at sea, in accordance with the format set out in Schedule VI hereto to the Director General.

13. Ten percent (10%) of the total weight of tuna and similar fish landed by a foreign fishing boat under the authority of a license issued in accordance with regulation 2 shall be made available to the Ceylon Fisheries Corporation to be purchased at a price to be agreed by such Corporation. The aforesaid ten percent of the total weight of tuna fish shall consist of five percent (5%) of fresh tuna and five percent (5%) of frozen tuna.

14. This regulation shall not affect the entry of any boat to port in accordance with international law of reasons of force majeure or distress. Accordingly a vessel shall not be denied of the use of port services essential to the safety or health of the crew or the safety of the boat, provided these needs are duly proven or if there is a risk of imminent danger to the vessel.

15. In these regulations -

"Fishing related activities" means any operation in support of, or in preparation for, fishing including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel gear and other supplies at sea;

"Illegal, Unreported and Unregulated fishing" refers to the activities set out in paragraph I of the Resolution 11/03 adopted by Indian Ocean Tuna Commission referred to in section 14G of the Fisheries and Aquatic Resources Act, No.2 of 1996 ;

"Designated port" includes offshore terminals and other installations for landing, transshipping, packaging, processing, refueling or resupplying of boat and reported to the Indian Ocean Tuna Commission to be declared by the port state;

"Boat" means any vessel, ship or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

(Regulation 3)

SCHEDULE I

An application for fish landing / transshipment / maintenance and port services by foreign fishing boat in designated and declared port of Sri Lanka.

1. Information of the local Agent/Company applying for the license

a. Full name:	b. Address:
c. Telephone No:	d. Fax No:
e. E-mail	f. Board of Investments(BOI) Registration No:

1. Information of the Foreign Agent/Company owns the fishing vessel

a. Full name:	b. Address:
c. Telephone No:	d. Fax No:
e. E-mail	f. Board of Investments(BOI) Registration No:

3. Purpose of port call :

a) Fish Landing b) Transshipment c) Maintenance and port services

4. Information of the Foreign fishing boat

a) Name of the boat	b) Boat Nationality
c) Boat Registration No	d) Valid period of boat registration
e) Indian Ocean Tuna Commision(IOTC) authorized No	f) Valid period of IOTC authorization
g) State of fishing authorization	h) Valid period of fishing authorization
i) Radio call Sign	j) International Maritime Organization (IMO) No
k) Home port of the boat	l) Last port call

Description of the boat

a) Length overall	b) Draught	c) Breath	d) Hull material
e) Gross tonnage	f) Net Tonnage	g) Fishing gear	h) Cooling System
i) Deck equipment	j) Vessel Monitoring System (VMS)		

6. Details of the crew on board

<i>Name</i>	<i>Nationality</i>	<i>Employment</i>
Total		

7. Detail to obtain license for transshipment

- a) Date of transshipment
- b) Geographic location of the catches
- c) Receiving boat (carrier boat) information,

a) Name of the receiving boat	b) Boat Nationality
c) Boat Registration No	d) Valid period of boat registration
e) IOTC authorization No	f) Valid period of IOTC authorization
g) Radio Call Sign	h) IMO No.
i) Home port of the boat	j) Last port call

d) Details of the species of fish/type of product to be transhipped

Species of fish	Type of product (whole,gutted,headed,filleted)	Quantity (tons)
Yellow fin tuna		
Bigeye tuna		
Skip jack tuna		
Marlin		

8. Details to obtain license for maintenance and port services

- a) Required Service :
 - i) Refueling -
 - ii) Resupplying - water /Ice/Bait/Food //...../
 - iii) Maintenance **required:** Engine/Propellers/Dry docking

I certify that the particulars given above are true and correct.....

Signature

Date :

(Regulation 3)

SCHEDULE II

Information to be provided in advance by boat requesting port entry

1. Intended port of call								
2. Port State								
3. Estimated date and time of arrival								
4. Purpose(s)								
5. Port and date of last port call								
6. Name of the boat								
7. Flag State								
8. Type of boat								
9. International Radio Call Sign								
10. boat contact information								
11. boat owners(s)								
12. Certificate of registration No								
13. IMO ship registration No , if available								
14. Any other registration No,if available								
15. IOTC No								
16. VMS	NO	Yes: National	Yes: RFMO(s)	Type				
17. Boat dimensions	Length		Beam		Draft			
18. Boat master' name and nationality								
19. Relevant fishing authority/Department								
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>			
20. Relevant transshipment authority								
Identifier		Issued by		Validity				
Identifier		Issued by		Validity				
21. Transshipment information concerning doner boats								
<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID</i>	<i>Species</i>	<i>Product</i>	<i>Catch area</i>	<i>Quantity</i>
22. Total catch onboard						23. Catch to be landed		
<i>species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>					

SCHEDULE III

PART I

License for fish landing by foreign fishing boat in designated and declared port in Sri Lanka.

- 1 (Applicant) of.....(address) is hereby authorized to land fish taken out side the Sri Lankan waters by the..... (country) fishing boat“(name)” bearing registration number.....and the High seas Fishing operation license noissued.....by(the fishing authority of flag country.....Icoastal state) at the harbour of Sri Lanka.
2. This license shall be used by the person named hereto and shall not be transferable to any other person.
3. This licence shall, unless earlier cancelled be valid for a period of commencing from 20 . / . / .. land fish caught in a single fishing trip.
4. Any fish taken out side the Sri Lanka waters and landed under the authority of this license shall not be transshipped using any local or foreign fishing boat at the port except under a license issued for such purpose under regulation 2 of Port State Measures to Prevent, Deter and Eliminate Illegal Unreported and Unregulated Regulations 2015.
5. This license shall be subjected to the provisions of Port State Measures to Prevent, Deter and Eliminate Illegal Unreported and Unregulated Regulations 2015 and the conditions given below.

FISH LANDING CONDITIONS

1. This license is subject to the immigrants and emigrants Act No 20 of 1948 and Customs Ordinance.
2. The fish catch should be caught out side the Exclusive Economic Zone (EEZ) of Sri Lanka and the fishing gears of the boat should be kept stowed during the arrival to the designated port and fishing within the Exclusive Economic Zone (EEZ)of Sri Lanka is completely prohibited.
3. Port inspectors appointed by the Department of Fisheries and Aquatic Resources, Harbour .Managers of Ceylon Fisheries Harbour Corporation (CFHC) , Coast Guards and the Navy Officials are authorized to inspect the fishing boat.
4. Radio communication system of the boat should be linked to the radio frequencies of the Monitoring, Control, Servillance (MCS) unit of the Department of Fisheries and Aquatic Resources and each boat shall carry a transponder which is linked to the central monitoring system of the flag country.
5. The total catch landed using this license should be reported in accordance with species of fish to the Director General/Department of Fisheries and Aquatic Resources and the Harbour Manager at the end of the landing.
6. The licence holder should strictly adhere to the Security requirements imposed by the Ministry of Defence.
7. Any pollutant should not be discharged to the marine environment of harbour basin.
8. Departed port of the boat should be a recognized port of the flag country or a coastal State.
9. Land, sell or exhibit for sale of whole carcass or any part of a marine mammal, sea turtle, thresher shark species, white tip shark and only the fins which have been removed from the body of other sharks is completely prohibited.

- 10 In addition to the berthing charges and the other charges levied by the Ceylon Fisheries Corporation (CFC) Ten percent (10%) of the total weight of a tuna fish landed by a foreign fishing boat under regulation 13 shall be made available to the Ceylon Fisheries Corporation of a price agreed by such corporation with the company. The aforesaid ten percent of the total weight of tuna fish shall consist of five (5%) of fresh tuna and five percent (5%) frozen tuna.
- 11 These conditions shall not apply to fish in containers landed at the commercial port by a foreign fishing boat accompanied with a bill of lading at the time of landing

PART II

License to transship fish landed by foreign fishing boat in designated and declared port -in Sri Lanka.

- 1.(Name of Applicant) of(Address) is hereby authorized to transship the tuna and tuna like fish species in given quantities in the table (I) below, which is landed in theharbour of Sri Lanka under the authority of the license No..... (license no) issued by the Director General to the carrier boat of (country).....(boat name) and bearing registration No
- 2. This license shall be used by the person named hereto and shall not be transferable to any other persons.
- 3. This licence shall, unless earlier cancelled be valid for a period.....commencing from 20...../to.....
- 4. Fish Landing by a foreign fishing boat accompanied by a bills of lading at the time of landing at the commercial port and exported in containers shall not be treated as transshipment.
- 5. This license shall be subjected to the provisions of Port State Measures to prevent, deter and Eliminate Illegal Unreported and Unregulated fishing Regulations 2015 and the conditions given below.
- 6. Table I - Detail of Tuna and Tuna like species as permitted to tranship

<i>Species of fish</i>	<i>Form of transshipment</i>	<i>Quantity (Kg/ton)</i>	<i>Date of transshipment</i>
Yellow Tuna			
Bigeye tuna			
Marlin			
Sword fish			
Sharks			
Others			

Director General/Department of Fisheries and Aquatic Resources

Date

Part III

License for maintenance and to obtain port services by foreign fishing boat in designated and declared port in Sri Lanka.

1. The.....(country) Fishing vessel named **and** bearing registration number.....is authorized to enter the.....harbour on the date for maintenance, dry docking ,**or** to obtain port services **only**.
2. This license shall be used by the person named hereto and shall not be transferable to any other **person**.
3. This license is valid only for the purpose **specified herein** and landing of any fish in the harbour using this **licence is totally** prohibited.
4. This **licence** shall, unless earlier cancelled be valid for a period of.....commencing from 20.../.....to.....

Director General
Department of Fisheries and Aquatic Resources

Date

(Regulation 8)

SCHEDULE IV

Port State inspection procedure

Inspectors shall :

- a) verify, to the extent possible, that the boat identification documentation onboard and information relating to the owner of the boat is true, complete and accurate, including through appropriate contacts with the flag state or international records of boats if necessary;
- b) verify that the boat's flag and markings (e.g. name, registration number, International Maritime Organisation (IMO) ship identification number ,international radio call sign and other markings, main dimensions) are consistent with the information contained in the documentation;
- c) verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, accurate and consistent with the information provided in accordance with schedule II;
- d) review all other relevant documentation and records held onboard , including, to the extent possible , those in electronic format and vessel monitoring system (VMS) data from the flag State or Indian Ocean Tuna Commission (IOTC) Secretariat or other relevant Regional Fisheries Management Organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents ,crew lists, storage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e) examine, to the extent possible, all relevant fishing gear onboard , including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations . The fishing gear shall , to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets,pots,dredges,hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the boat;

- f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;
- g) examine the fish, including by sampling, to determine its quantity and composition. in doing so , inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the **composition** of fish holds. Such examination may include **inspections** of product type and determination of nominal weight;
- h) **determine** whether **there is sufficient** evidence **to believe** that a boat has **been** engaged in Illegal, Unreported, Unregulated (IUU) fishing or fishing related activities in support of such fishing;
- i) provide the master of the boat with the report containing the result of the inspection, including possible measures that could be taken, signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and as appropriate, to contact the relevant **Authorities** of the flag State in particular where the master has serious difficulties in understanding the content of the report . A copy of the report shall be provided to the master ; and
- i) arrange, where necessary and possible, for translation of relevant documentation.

(Regulation 8)

SCHEDULE V

Indian Ocean Tuna Commission (IOTC) Port Inspection report form

1. Inspection report No.				2. Port State		
3. Inspecting Authority						
4. Name of principal inspector				Identity Card No.		
5. Port of inspection						
6. Commencement of inspection	YYYY		MM	DD	HH	
7. Completion of inspection	YYYY		MM	DD	HH	
8. Advanced notification received						
9. Purposes (s)	LAN	TRA	PRO	OTH (specify)		
10. Port and State and date of last port call			YYYY	MM	DD	
11. Name of the boat						
12. Flag State						
13. Type of boat						
14. International Radio Call Sign						
15. Certificate of registration No.						
16. IMO ship registration No., if available						
17. Any other registration No., if available						
18. Port of registry						
19. Boat owner(s)						
20. Boat beneficial owner(s), if known and different from boat owner						
21. Boat operation(s), if different from boat owner						
22. Boat master name and nationality						
23. Fishing master name and nationality						
24. Boat agent						
25. VMS	NO	Yes: National	Yes: RFMO(s)	Type		
26. Status in IOTC, including IUU vessel listing						
Vessel identifier	RFMO	Flag State status	Vessel and authorized vessel list	Vessel on IUU vessel list		
27. Relevant fishing authorization(s)						
Identifier	Issued by	Validity	Fishing area(s)	Specice	Gear	
28. Relevant transshipment authorization (s)						
Identifier	Issued by				Validity	
Identifier	Issued by				Validity	
29. Transshipment information concerning doner boats						

<i>Name</i>	<i>Plag Service</i>	<i>Registration No.</i>	<i>Specice</i>	<i>Production</i>	<i>Cash</i>	<i>Quantity</i>
30.Evaluation of offfladede by catch (quantity)						
<i>species</i>	<i>Products from</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity landed</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
31.Catch retained onboard (quantity)						
<i>specis</i>	<i>Products from</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity landed</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
32. examination of logbook(s) and other documentation				Yes	No	Comments
33. compliance with applicable catch documentation scheme(s)				Yes	No	Comments
34. compliance with applicable trade information scheme(s)				Yes	No	Comments
35. type of gear used						
36. gear examined in accordance with paragraph(e) of schedule IV				Yes	No	Comments
37. Findings by inspector(s)						
38. Apparent infringement(s) noted including reference to relevant legal instrument						
39. Comments by the master						
40. Action taken						
41. Masters signature						
42. Inspectors signature						

SCHEDULE VI

Indian Ocean Tuna Commission (IOTC) Transshipment declaration

Carrier Vessel Name of the Vessel and Radio Call Sign : Flag : Flag State License Number : National Register Number, if available : IOTC Register Number, if available:	Fishing Vessel Name of the Vessel and Radio Call Sign : Flag : Flag State License Number : National Register Number, if available : IOTC Register Number, if available:
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Departure	Day	Month	Hour	Year	Agent's name	Master's name of LSTV	Master's name of Carrier
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	From <input type="text"/>		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		to <input type="text"/>	
Return	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Signature	Signature	Signature
Transshipment	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			

Indicate the weight in kilograms or the unit used (e. g. box, basket) and the landed weight in kilograms of this unit Kilograms

LOCATION OF TRANSSHIPPMENT

Species	Port	Sea	Type of product								
			Whole	Gutted	Headed	Filletted					

If transshipment effected at sea, Indian Ocean Tuna Commission (IOTC) Observer Name and Signature :