



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

2022/2023 HIGH SEAS VESSEL LICENCE CONDITIONS

1. Introduction

- 1.1. These High Seas Vessel Licence conditions (Licence Conditions) must, where applicable, be read with the Permit Conditions: Patagonian Toothfish Sector, Tuna Pole-line and Large Pelagic Longline (Tuna Sectors), 2022/23

2. Fishing Areas

- 2.1. Subject to condition 2.2 below, the Licence is only valid for fishing in the High Seas (i.e. waters beyond South African waters) but does not include waters subject to the particular jurisdiction of another State or areas within the High Seas which are subject to any Regional Fisheries Management Organisation (RFMO) unless prior written authorisation is obtained from the relevant RFMO or relevant state as applicable.
- 2.2. In respect of commercial fishing right holders in the Tuna fishing sectors, fishing is permitted in the South African Exclusive Economic Zone (EEZ); and in respect of fishing right holders in the Patagonian Toothfish fishing sector, fishing is permitted in the the Prince Edward Islands-Exclusive Economic Zone (PEI-EEZ).
 - 2.2.1 No fishing is permitted within 12 (twelve) nautical miles of the highwater mark from either Marion or Prince Edward Islands (or between the two islands).
- 2.3. Subject to conditions 2.2 and 2.2.1, the authorised vessel must:
 - 2.3.1 proceed directly to the high seas when leaving an authorised South African port to fish on the high seas and may not fish while in transit in the South African EEZ and territorial waters; and
 - 2.3.2 proceed directly to port on completion of fishing activities in the High Seas when entering the South African EEZ, and may not fish while in transit in the South African EEZ and territorial waters.

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3. Stowage of Gear

- 3.1. All fishing gear on board the vessel must be properly stowed in accordance with regulation 81 of the Regulations published on 2 September 1998 in terms of the Marine Living Resources Act, whenever the vessel is in an area in which it is not authorised to fish or during any times when the vessel is not authorised to fish, including but not limited to when the vessel is in transit (within South African EEZ and territorial waters), within 12 (twelve) nautical miles of the highwater mark from either Marion or Prince Edward Islands (or between the two islands), or in the area of jurisdiction of another state or RFMO, unless written permission has been obtained from the relevant state or RFMO to fish within its area of competence.

4. Notification

- 4.1. Where fishing is undertaken in an area that is subject to any RFMO, all requirements of that relevant RFMO must be complied with and the Licence Holder is expected to familiarise himself with rules and measures of such RFMOs including whether notification or reporting if required prior to fishing in that particular area.
- 4.2. In addition to condition 4.1, prior notification must be submitted to the relevant RFMO Secretariat and to the Department at vmsops@dffe.gov.za prior to the vessel entering the relevant RFMO area.

5. Vessel Monitoring System

- 5.1. The fishing vessel shall be fitted with a functional vessel monitoring system (VMS) approved by the Department.
- 5.2. It is the responsibility of the Licence Holder to ensure that the VMS is fully operational and that the VMS continues to transmit to the Department's Operations Room. The Licence Holder shall establish that the VMS unit is functional by contacting the Operations Room at the Branch: Fisheries Management during office hours on telephone numbers +27 21 402-3076 or +27 21 402-3077, or via email vmsops@dffe.gov.za prior to sailing.
- 5.3. Whilst at sea, the VMS shall report continuously and uninterruptedly to the Operations Room. Should the power supply to the VMS be interrupted or the equipment not be operational for any reason whatsoever and the problem persists, the vessel shall return to port/ commence return to port within 24 (twenty-four) hours of being informed of the problem,

unless special arrangements have been made with the Department's Operations Room to allow the vessel to continue fishing. Such special arrangements must be confirmed in writing and must include:

- 5.3.1. 3-hourly reporting of the vessel's position faxed to +27 21 425 6497; or e-mailed to vmsops@dffe.gov.za;
- 5.3.2. the format of the manual VMS reports shall include the following: date, time (UTC), latitude, longitude degrees minutes and decimal minutes e.g 36°32.786'S, course (true) and speed (knots);
- 5.3.3. the report must be sent once a day (every 24 hours) containing eight reports in the prescribed format;
- 5.3.4. notice of estimated time of arrival;
- 5.3.5. notice of port of arrival;
- 5.3.6. inspection of the catch by a FCO/Monitor, where applicable; and
- 5.3.7. a copy of the vessel track for the voyage for verification purposes.

The Department will keep a record of the frequency of VMS breakdowns in order to discourage repeated use/abuse of this special arrangements dispensation.

- 5.4. Licence Holders wishing to switch their VMS units off whilst alongside in port, shall only do so for a maximum of six (6) hours prior to their estimated time of departure from port.

6. Landing of fish

- 6.1. The Licence Holder must ensure that all fish is discharged from the vessel in accordance with the reasonable instructions of the FCO.
- 6.2. All the fish caught under in terms of this licence, shall only be landed in South Africa.

7. General

- 7.1. These licence conditions may be amended by the Director: Offshore and High Seas Fisheries Management.
- 7.2. The Licence Holder shall not discard any waste material, garbage or pollutants into the sea, harbour or landing site. The Licence Holder shall safely store all waste material, garbage and pollutants on board the vessel and may only dispose of such material in the appropriate reception facilities within and as required by the port/harbour.

8. Non-compliance

- 8.1. A breach of the provisions of the MLRA, its regulations and/or these Licence Conditions by the Licence Holder may result in the initiation of legal proceedings, which may include proceedings in terms of section 28 of the MLRA and/ or criminal proceedings.
- 8.2. No further high seas licence application will be considered while any proceedings under section 28 of the MLRA or criminal proceeds are being undertaken in respect of alleged non-compliance with the provisions of the MLRA, its regulations and/or these licence conditions by the Licence Holder.
- 8.3. The Licence Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and applicable laws and conservation and management measure of any relevant RFMO.
- 8.4. Failure to report any contravention of the provisions of the MLRA by the Licence Holder is a criminal offence. Any contravention shall immediately be reported telephonically to the Customer Service Centre at (021) 402 3180 and thereafter shall be emailed to vmsops@dffe.gov.za, for attention: The Chief Director: Monitoring, Control and Surveillance (MCS).


DIRECTOR: OFFSHORE AND HIGH SEAS FISHERIES MANAGEMENT

DATE: 23/11/2022