

# Permit Conditions: Patagonian Toothfish Fishery

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Fishing season: 2022/2023

DATE OF APPROVAL: 23 / 11 / 2022



# forestry, fisheries & the environment

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

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## 1. APPLICABLE ACTS, POLICIES AND DELEGATIONS

- 1.1 This Permit is issued in terms of section 13 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA).
- 1.2 This Permit does not absolve the Permit Holder from complying with all other applicable laws, including but not limited to:
- (a) The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA);
  - (b) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) ;
  - (c) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);
  - (d) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) ;
  - (e) Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ;
  - (f) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986);
  - (g) The Fire Arms Control Act, 2000 (Act No. 60 of 2000) ;
  - (h) South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998) ;
  - (i) The Animals Protection Act, 1962 (Act No. 71 of 1962) (and the Regulations promulgated thereunder;
  - (j) The Standards Act, 2008 (Act No. 8 of 2008);
  - (k) The National Regulator for Compulsory Specifications Act. 2008 (Act No. 5 of

2008)

- (l) National Ports Authority Act, 2005 (Act No. 12 of 2005) ; and
- (m) The Companies Act, 2008 (Act No. 71 of 2008); and
- (n) The Conservation Measures and Resolutions for the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

1.3 This Permit is issued subject to the provisions of the –

- (a) General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights, 2013;
- (b) General Policy on the Allocation of Commercial fishing rights: 2021
- (c) Policy for the Allocation and Management of Commercial Fishing Rights of the Patagonian Toothfish Fishery: 2015
- (d) Policy for the Transfer of Commercial Fishing Rights, 2009 (currently under review).

1.4 The Directors: **Inshore Fisheries Management (D: IFM)** and **Offshore and High Seas Fisheries Management (D: OHSFM)** shall be entitled to amend these permit conditions after consultation with the relevant stakeholders, save where an urgent amendment is required in which case the conditions may be amended in the absence of prior consultation.

1.5 Any reference to the Permit Holder in these Permit Conditions includes the entity or person in whose name the Permit has been issued and includes any employees (whether permanent or temporary), agents/contractors, divers or skippers of the Permit Holder.

1.6 A reference to the Right Holder in these permit conditions shall mean the entity or person in whose name the long-term commercial fishing right was allocated by the Minister or the delegated authority.

## **2. VALIDITY OF PERMIT**

- 2.1 This Permit shall be valid for the period indicated in validity period of Section A (the permit).
- 2.2 This Permit shall automatically expire and be invalid should:
- (a) the right be cancelled or revoked in terms of Section 28 of the MLRA;
  - (b) the quantum allocated to the Permit Holder be caught;
  - (c) the fishing season be terminated or end; or
  - (d) this Permit be revoked or cancelled in terms of section 28 of the MLRA.

## **3. FISHING AREAS**

- 3.1 This permit is valid only for permitted vessels within the Prince Edward Islands-Exclusive Economic Zone (PEI-EEZ). No fishing is permitted:
- 3.1.1 within 12 (twelve) nautical miles from either Marion or Prince Edward Islands (or between the two islands);
- 3.2 Fishing for Patagonian toothfish is permitted in the four restricted zones of the PEI-MPA and limited commercial fishing is permitted in a Controlled Area of the PEI-MPA as stipulated in the Regulations for the Management of the Prince Edward Islands Marine Protected Area, Government Gazette No. 36572, Vol. 576, 21 June 2013.

## **4. NOTIFICATIONS AND LANDING OF FISH**

- 4.1 The Permit Holder must inform the local Fishery Control Officer (FCO) (**see Table 1**) in writing at least 48 (forty eight) hours prior to the intended time of landing. This notification must include the following:
- (a) The vessel details;
  - (b) on behalf of which Rights Holder(s) the catch is to be allocated/apportioned. The apportionment of a landing among Rights Holders can be adjusted retrospectively to balance catches to allocations.



Such changes must be made in writing and submitted to the Department, clearly marked **Quota Reconciliation**;

- (c) that the catch to be unloaded will be accompanied by a *Dissostichus* catch document;
- (d) the estimated time of intended arrival; and
- (e) the port of intended arrival.

4.2 The Permit Holder/ Right Holder / Vessel Owner and/or Skipper shall notify the CCAMLR Secretariat: Fax: +09-61-3-6224 8744 or e-mail to [data@ccamlr.org](mailto:data@ccamlr.org) as well as a copy to Fisheries Management, Messer’s Mketsu and De Goede and DFFE operations rooms via e-mail ([QMketsu@dffe.gov.za](mailto:QMketsu@dffe.gov.za); [JDegoede@dffe.gov.za](mailto:JDegoede@dffe.gov.za); and [vmsops@dffe.gov.za](mailto:vmsops@dffe.gov.za)) of the vessel’s entry into and exit from:

- (a) the PEI-EEZ;
- (b) the CCAMLR Convention Area; and
- (c) any movement between CCAMLR Statistical Subareas and/or Divisions.

4.3 The FCO must be notified prior to the vessel entering the harbour and before offloading by email and/or fax at the following numbers:

**Table1. Compliance office contact details**

Address	Contact
Fisheries Management Foretrust Building Cape Town	Tel: 021 402 3247/3427/3430/3361/3077 Fax: 021 402 3113/3367 Cell: 083 270 9775 Email: <a href="mailto:MMggomo@dffe.gov.za">MMggomo@dffe.gov.za</a>
21 Stanley Street Central P.E	Tel: 041 585 4051 Fax: 041 585 0385 Cell: 072 135 3382 Email: <a href="mailto:DMostert@dffe.gov.za">DMostert@dffe.gov.za</a> <a href="mailto:NHoza@dffe.gov.za">NHoza@dffe.gov.za</a>
DAFF Compliance Durban	Tel: 039- 3111240/30 Fax: 0393111326 Cell: 0780124244 Email: <a href="mailto:MNtshangase@dffe.gov.za">MNtshangase@dffe.gov.za</a>

4.4 All fishing vessels carrying *Dissostichus* spp. entering South African ports must be inspected by fishery control officers . (CM10-03)

4.5 The vessel Master must have a confirmed appointment for inspection before entering the

- port. The inspection should be carried out within 48 hours after entering the port. Port access for these vessels will be on weekdays only between 08h00 and 16h00, excluding weekends and public holidays, unless an FCO provides prior written consent to a weekend, public holiday or after-hours offload.
- 4.6 The Permit Holder landings are restricted to South African ports unless the Department grants prior written authorisation.
- 4.7 The Permit Holder must ensure that all fish is discharged from the vessel in accordance with any instructions given by a Fishery Control Officer.
- 4.8 No Permit Holder shall discharge fish until it has notified the Department. Catches shall only be discharged in the presence of a FCO. The entire catch (including any by-catch) must be discharged at one landing point only.
- 4.9 The total catch of *Dissostichus eleginoides* landed after each voyage shall be documented in strict accordance with the provisions of Conservation Measure 10-05 and its attached Annex. 10-05/A.
- 4.10 The Permit Holder shall ensure that all fish exported from South Africa is authorised in accordance with Conservation Measure 10-05 and the associated *Dissostichus* Export Document (DED) and export permit issued by the Department.
- 4.11 The Permit Holder shall keep a record of all fish landed and sold, and such records shall at all times be available for inspection by a FCO or authorised person.

## **5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS**

- 5.1 The Permit Holder shall utilise bottom set long lines only
- 5.2 **Line Weighting:** The following specifications from CCAMLR Conservation Measure 25-02 shall be followed:
- (a) Vessels using autoline systems should add weights to the hook line or use integrated weight hook lines while deploying longlines. Integrated weight (IW) longlines of a minimum of 50 g/m or attachment to non-IW longlines of 5 kg weights at 50 to 60 m intervals are recommended;

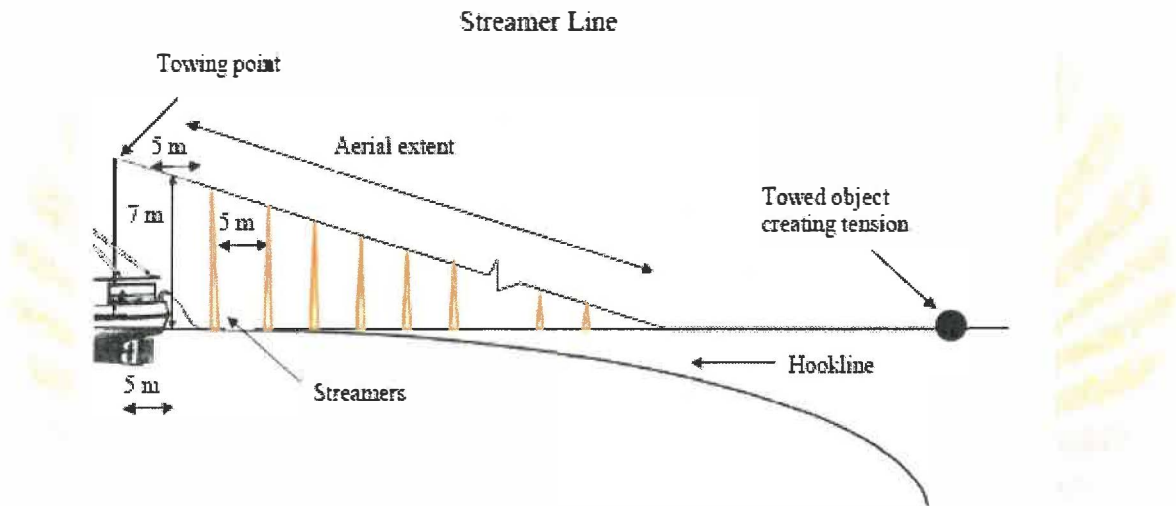
- (b) Vessels using the Spanish method of longline fishing (double line) should release weights before line tension occurs; traditional weights of at least 8.5 kg mass shall be used, spaced at intervals of no more than 40 m, or traditional weights of at least 6 kg mass shall be used, spaced at intervals of no more than 20 m, or solid steel weights of at least 5 kg mass shall be used, spaced at intervals of no more than 40m.
- (c) Vessels using the trotline system exclusively (not a mix of trotlines and the Spanish system within the same longline) shall deploy weights only at the distal end of the droppers in the trotline. Weights shall be traditional weights [concrete weights or stones], of at least 6 kg or solid steel weights of at least 5 kg.
- (d) Vessels alternating between the use of the Spanish system and trotline method shall use;
- for the Spanish system;
- i. traditional weights of at least 8.5 kg total mass shall be used, spaced at intervals of no more than 40 m, or
  - ii. traditional weights of at least 6 kg mass shall be used, spaced at intervals of no more than 20 m, or
  - iii. solid steel weights of at least 5 kg mass shall be used, spaced at intervals of no more than 40 m;
- for the trotline method;
- i. line weighting shall be either 8.5 kg traditional weights, attached on the distal end of all droppers in the trotline at no more than 80 m intervals; or
  - ii. 5 kg steel weights, attached on the distal end of all droppers in the trotline at no more than 80 m intervals.

5.3 **Streamer (tori) lines:** The following specifications from CCAMLR Conservation Measure 25-02 Annex 25-02/A shall be followed:

- (a) The aerial extent of the streamer line, which is the part of the line supporting the streamers, is the effective seabird deterrent component of a streamer line. Vessels are encouraged to optimise the aerial extent and ensure that it protects the hookline as far astern of the vessel as possible, even in crosswinds.



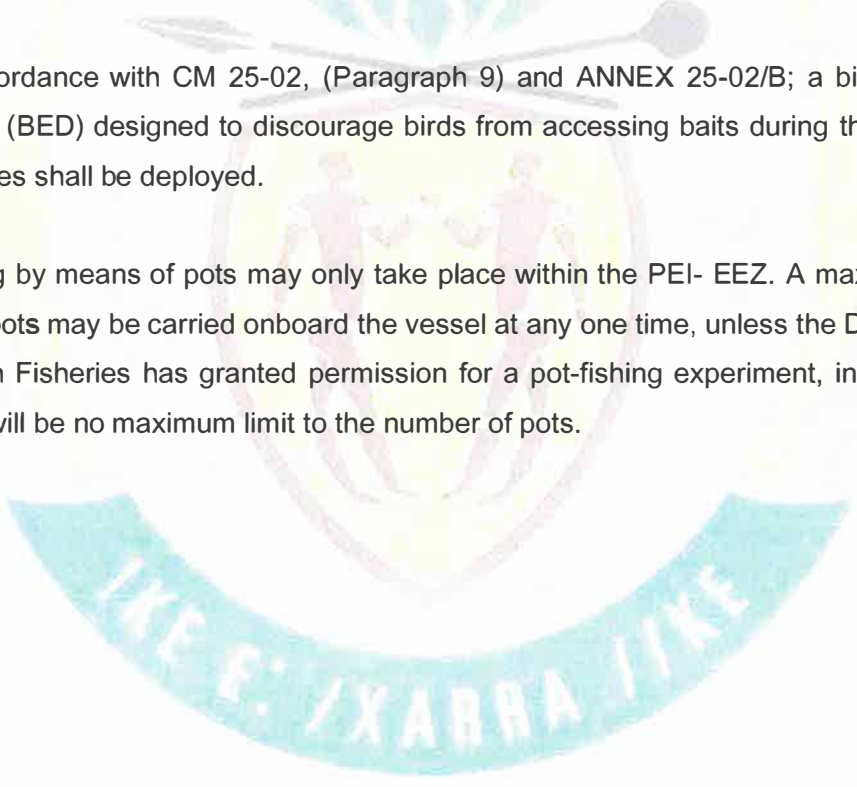
- (b) The streamer line should be attached to the vessel such that it is suspended from a point as high as possible (a minimum of 7m) above the water at the stern on the windward side of the point where the hookline enters the water.
- (c) The streamer line shall be a minimum of 150 m in length and include an object (buoy, road cone or sea-anchor) towed at the seaward end to create tension to maximise aerial coverage. The object towed should be maintained directly behind the attachment point to the vessel such that in crosswinds the aerial extent of the streamer line is over the hookline.
- (d) Branched streamers, each comprising two strands of a minimum of 3 mm diameter brightly coloured plastic tubing or cord, shall be attached no more than 5 m apart commencing 5 m from the point of attachment of the streamer line to the vessel and thereafter along the aerial extent of the line. Streamer length shall range between minimums of 6.5 m from the stern to 1 m for the seaward end. When a streamer line is fully deployed, the branched streamers should reach the sea surface in the absence of wind and swell. Swivels or a similar device should be placed in the streamer line in such a way as to prevent streamers being twisted around the streamer line. Each branched streamer may also have a swivel or other device at its attachment point to the streamer line to prevent fouling of individual streamers.
- (e) Vessels are encouraged to deploy a second streamer line such that streamer lines are towed from the point of attachment each side of the hookline. The leeward streamer line should be of similar specifications (in order to avoid entanglement the leeward streamer line may need to be shorter) and deployed from the leeward side of the hookline.



(f) Other variations in the line weighting regime or in the design of streamer lines may be tested on vessels carrying observers, providing that approval is first obtained (in writing) from the Department.

5.4 In accordance with CM 25-02, (Paragraph 9) and ANNEX 25-02/B; a bird exclusion device (BED) designed to discourage birds from accessing baits during the hauling of longlines shall be deployed.

5.5 Fishing by means of pots may only take place within the PEI- EEZ. A maximum of 50 (fifty) pots may be carried onboard the vessel at any one time, unless the Department's Branch Fisheries has granted permission for a pot-fishing experiment, in which case there will be no maximum limit to the number of pots.



- 5.6 The pots are to be deployed in a manner, which isolates them from affecting the influence of the fish hooks, preferably at the beginning and end of the longline. The pot construction must include a biodegradable panel or biodegradable binding to mitigate against ghost fishing in the event of gear loss.
- 5.7 Patagonian toothfish vessel(s) may land for more than one Rights Holder at any given time provided that such vessel has fishing permits for all the Rights Holders on board the vessel at the time of the landing.

## 6. CATCH CONTROLS AND LIMITATIONS

- 6.1 The Rights Holder shall conduct its fishing operations strictly in accordance with any applicable CCAMLR Conservation Measures, including but not limited to, the specific Conservation Measures detailed below:

<b>Conservation Measure</b>	
<b>Number</b>	<b>Title</b>
	<b>Compliance</b>
10-01	Marking of fishing vessels and fishing gear
10-02	Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area
10-03	Port inspections of vessels carrying Antarctic marine living resources
10-04	Automated satellite-linked Vessel Monitoring Systems (VMS)
10-05	Catch Documentation Scheme for <i>Dissostichus</i> spp.
10-06	Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures
10-07	Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures
10-08	Scheme to promote compliance by Contracting Party nationals with CCAMLR conservation measures
10-10	CCAMLR Compliance Evaluation Procedure
	<b>Gear Regulations</b>
22-04	Interim prohibition of deep-sea gillnetting

22-05	Restrictions on the use of bottom trawling gear in high-seas areas of the Convention Area
22-06	Bottom fishing in the Convention Area
22-07	Interim measure for bottom fishing activities subject to Conservation Measure 22-06 encountering potential vulnerable marine ecosystems in the Convention Area
	<b>Data reporting</b>
23-01	Five-day catch and effort reporting system
23-03	Monthly catch and effort reporting system
23-04	Monthly fine-scale catch and effort data reporting system for trawl, longline and pot fisheries
23-05	Monthly fine-scale biological data reporting system for trawl, longline and pot fisheries
23-07	Daily catch and effort reporting system for exploratory fisheries
	<b>Minimisation of Incidental Mortality</b>
25-02	Minimisation of the incidental mortality of seabirds in the course of longline fishing or longline fishing research in the Convention Area
	<b>Environmental protection</b>
26-01	General environmental protection during fishing
	<b>Fishing seasons, closed areas and prohibition of fishing</b>
32-01	Fishing seasons
32-11	Prohibition of directed fishing for <i>Dissostichus eleginoides</i> in Statistical Subarea 58.6
32-12	Prohibition of directed fishing for <i>Dissostichus eleginoides</i> in Statistical Subarea 58.7
	<b>By-catch limitations</b>
33-03	Limitation of by-catch in new and exploratory fisheries in the 2012/13 season
	<b>Toothfish</b>
41-01	General measures for exploratory fisheries for <i>Dissostichus</i> spp. in the Convention Area in the 2012/13 season

- 6.2 If any of the Conservation Measures cannot be adhered to for any reason then no further line setting shall be permitted and the Permit holder is required to immediately contact the Department (Attention: Messrs Mketsu and De Goede via e-mail



[QMketsu@dffe.gov.za](mailto:QMketsu@dffe.gov.za) and [JdeGoede@dffe.gov.za](mailto:JdeGoede@dffe.gov.za)). The Department will review the Permit Holder's compliance with permit condition 6.1 using the conservation measure checklist (Annexure 1 section B). If in the Department's view compliance with permit condition 6.1 has not been satisfactory then the vessel will not be authorized to continue fishing.

- 6.3 The Permit Holder shall only harvest the amount of the Patagonian Toothfish allocated to the Permit Holder in terms of the Total Allowable Catch ("TAC") listed in Section A of the Permit.
- 6.4 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and Regulations.
- 6.5 Whilst the vessel is operating in terms of the provisions of this permit, fishing rights in any other sector shall not be activated on the vessel, and it shall only target *Dissostichus eleginoides*, Patagonian toothfish.
- 6.6 The Permit Holder must ensure that prior to the vessel's departure, the conservation measure checklist (confirming (a) to (f) below) is signed off by an observer and an authorized representative of the Permit Holder. The checklist must be emailed to [QMketsu@dffe.gov.za](mailto:QMketsu@dffe.gov.za) and [JdeGoede@dffe.gov.za](mailto:JdeGoede@dffe.gov.za). The following is required to be verified by the observer:
- (a) Confirmation that at least one streamer line is on board and all measurements and the attachment point meet the requirements of Conservation Measure 25-02 and that sufficient materials are on board to construct further streamer lines;
  - (b) the line weights of vessels using the Spanish method of longline fishing, complies with paragraph 3 of Conservation Measure 25-02; and
  - (c) the line weights of vessels using the trotline method of longline fishing exclusively complies with paragraph 4 of Conservation Measure 25-02; and
  - (d) if a combination of Spanish and Trotline methods are used either as separate sets or within a combined set then paragraph 3 of Conservation Measure 25-02 shall apply;
  - (e) a valid *Dissostichus* Catch Document is on board; and
  - (f) a landing net suitable for bringing on board fish identified for tagging is available. The net construction must be designed to remove any tension on the hook and snood in the fishes mouth on-board. The observer will be required to report on



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the effectiveness of the landing net hauling tagged fish on-board.

- 6.7 For purposes of monitoring catches a conversion factor estimated at the end of each five-day reporting period should be used for converting product (headed and gutted only) mass to green (whole) weight. Variations of standard product cuts (e.g. removal of belly meat from headed and gutted fish) require specific conversion factors, which must be reported in consultation with the Scientific Observer. All vessel masters should ensure that conversion factors are applied for each five-day reporting period.
- 6.8 As far as possible, all fishing shall be carried out in strict accordance with Conservation Measure 41-01. This requires that fishing is limited to one vessel fishing at any time within a fine-scale geographic rectangle and under a catch limit of 100 tonnes per rectangle. It also requires Five-Day Catch and Effort reporting in accordance with CCAMLR Conservation Measure 23-01. In addition, the data collection, research plans detailed in Annex 41-01/A, 41-01/B and of Conservation Measures 23-01, 23-04 and 23-05 shall apply
- 6.9 With regard to by-catch of Rajidae spp. all live animals shall be released and the total bycatch of Rajidae spp. should not exceed 10 tonnes. A total of 50 tonnes of *Macrourus* spp. may be removed and processed.
- 6.10 The dumping of *Dissostichus* spp (including fish with “jellymeat” or damaged e.g. due to sealice or depredation) is strictly prohibited.
- 6.11 The total number and weight of *Dissostichus eleginoides* exhibiting the “jellymeat” or damaged condition shall be recorded in the catch documentation.
- 6.12 Conservation Measure 41-01 Annex 41-01/C, tagging programme for *Dissostichus* spp. shall apply. *Dissostichus eleginoides* shall be tagged and released at a rate of one toothfish per tonne of green (whole) weight catch throughout the season. In addition, the Permit Holder shall ensure that the vessel achieves a minimum tag-overlap statistic of 60% see paragraph 2(ii) of Annex 41-01/C.

## **7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES**

- 7.1 In the event that the allocation of the Permit Holder is discovered to have been exceeded at the landing site upon return from the last fishing trip and verification by the FCO or

Marine Resource Monitor, the excess may be transferred to another Right Holder by mutual agreement between the parties, provided the transferee has been issued with a valid permit, has not yet caught its full allocation and provided they have been fishing on the same day.

- 7.2 Should the permit holder exceed the allocated mass the excess amount will be automatically deducted from the following season's allocation.
- 7.3 In the event that the Permit Holder exceeds the allocated mass by more than 10%, in addition to the automatic deduction, legal proceedings may be initiated against the Permit Holder, including proceedings in terms of section 28 of the MLRA.
- 7.4 In the event that the Permit Holder does not harvest its allocation in full, the Department will not consider any application for rollovers.

## **8. VESSELS SPECIFICATIONS**

- 8.1 The Permit Holder shall not use any fishing vessel unless it bears the registration letters and numbers assigned thereto by the Director-General. Such letters and numbers shall be painted in white on a black background or in black on a white background on both bows in characters not less than 15 cm in height, 10 cm in breadth (figure "1" excepted) and 2 cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2 cm and 5 cm.
- 8.2 The Rights Holder shall ensure that the vessel is clearly marked in accordance with the provisions of Regulation 77 promulgated under the MLRA.
- 8.3 Vessels must be fitted with a mechanism (e.g. a chute or conveyor belt) to convey and dump offal on the side of the vessel opposite to that on which the lines are hauled.
- 8.4 In addition, fishing gear shall be marked in accordance with CCAMLR Conservation Measure 10-01.
- 8.5 Each fishing vessel shall be fitted with devices to minimise seabird incidental mortality during longline fishing. The construction of such devices shall be in strictly accordance with CCAMLR Conservation Measure 25-02 (Minimisation of the Incidental Mortality of Seabird in the Course of Longline Fishing and Longline Fishing Research”).

## 9. VESSEL MONITORING SYSTEM (VMS)

- 9.1 The Permit Holder's nominated fishing vessel shall be fitted with a functional vessel monitoring system ("VMS") in accordance with CCAMLR Conservation Measure 10-04 and approved by the Department by contacting [VMSops@dffe.gov.za](mailto:VMSops@dffe.gov.za) prior.
- 9.2 It is the responsibility of the Permit Holder to ensure that the VMS is fully operational and that the VMS continues to transmit to the Department's Operations Room. The Permit 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 <VMSops@dffe.gov.za>](mailto:VMSops@dffe.gov.za) prior to sailing.
- 9.3 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:
- (a) 3-hourly reporting of the vessel's position faxed to **+27 21-425-6497**; or e-mail [VMSops <VMSops@dffe.gov.za>](mailto:VMSops@dffe.gov.za) prior;
  - (b) 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);
  - (c) the report must be sent once a day (every 24 hours) containing eight reports in the prescribed format;
  - (d) notice of estimated time of arrival;
  - (e) notice of port of arrival;
  - (f) inspection of the catch by a FCO/Monitor; and
  - (g) 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.

9.4 Whilst alongside in port vessels wishing to switch off their VMS units, shall only do so for a maximum of six (6) hours prior to their estimated time of departure from port. A vessel should ensure with [VMSops <VMSops@dffe.gov.za>](mailto:VMSops@dffe.gov.za) the VMS is reporting prior to leaving port.

9.5 Should the Permit Holder not adhere to the provisions of the above, the Department may detain the vessel once in port and, amongst others, implement proceedings under Section 28 of the MLRA.

## 10. SUBMISSION OF INFORMATION

10.1 The Permit Holder shall submit to the Department:

- (a) notification of any change of contact details within 30 days of such change by completing the application form available at the Customer Services Centre; and
- (b) performance statistics as stipulated in paragraph 20.

This should be submitted as follows: Right Holder Information, Attention: Deputy Director: Pelagic and High Seas Fisheries Management, Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8018.

10.2 Catch Statistics:

- (a) As per paragraph three (3) of Conservation Measure 23-01 the vessel shall submit catch and effort reports directly to the CCAMLR Secretariat: fax +09-61-3-6224 8744 or e-mail to [data@ccamlr.org](mailto:data@ccamlr.org) as well as a copy to Fisheries Messrs

De Goede, Durholtz and Somhlaba via e-mail to [JdeGoede@dffe.gov.za](mailto:JdeGoede@dffe.gov.za); [Marius Deon Durholtz <MDurholtz@dffe.gov.za>](mailto:MDurholtz@dffe.gov.za) and Sobahle Somhlaba [SSomhlaba@dffe.gov.za](mailto:SSomhlaba@dffe.gov.za)

- (b) Details of the catch and effort and biological data shall be rendered as stipulated by CCAMLR Conservation Measures 23-01 and 23-04. These require the reporting of Five-Day Catch and Effort Data in accordance with Measures 23-01 and reporting in accordance with Measure 23-04 the reporting of Fine-Scale Catch and Effort Data.

### 10.3 Socio-Economic Information

The Permit Holder shall provide, on request, any economic, socio-economic or financial information in the format as requested by the Department.

## 11. **RECORD KEEPING**

- 11.1 The Permit Holder shall store at its registered place of business the original permit(s) issued to it over the duration of the right. The Rights Holder shall at all times have available a true certified copy of this permit(s) on board the vessel utilised to harvest Patagonian Toothfish.
- 11.2 The Permit Holder shall keep the second copy of all landings for a minimum period of sixty (60) months.

## 12. **LEVIES**

- 12.1 The Permit Holder shall submit a levy declaration form by the last working day of the month following the harvesting periods stated below in paragraph 12.2.
- 12.2 The Permit Holder shall pay the prescribed levies for the fish landed for prescribed species as stipulated in the Government Gazette No.33518 published on 10 September 2010.



All levies and fees shall be paid monthly in arrears and by the last working day of the month following the harvesting period 1 December 2022 to 30 November 2023.

- 12.3 The Permit Holder must submit together with all levy payments a levy declaration form.
- 12.4 Non-compliance with conditions 12.3 and 12.2 will result in a 10% penalty being charged on the late submission of the prescribed levy declaration form.
- 12.5 It is the responsibility of the Permit Holder to ensure that levies are fully submitted as stated in par. 12.1 above and that his/her account is paid up in full.
- 12.6 The Department may refuse to issue fishing permits to Rights Holders who have any levies or fees outstanding for a period in excess of 30 days, or may suspend the Rights Holder's fishing permit until all outstanding levies have been paid to the Department.
- 12.7 A "NIL" return must be submitted for every month where no fish has been landed.
- 12.8 All declarations forms shall be submitted to the Directorate: Revenue Management by either of the following:
- 13.9.1 Facsimile – 086 613 6256
  - 13.9.2 Electronic mail – Revenue [revenue@dfpe.gov.za](mailto:revenue@dfpe.gov.za)
  - 13.9.3 Postage – Private Bag x2, Vlaeberg, 8018
  - 13.9.4 By hand – Department of Agriculture, Forestry and Fisheries, Branch: Fisheries Management, Customer Service Centre, Ground Floor, Martin Hammerschlag Way, Foretrust Building, Foreshore, 8001.
  - 13.9.5 Enquiries can be directed to [Sbaartman@dfpe.gov.za](mailto:Sbaartman@dfpe.gov.za) or [Sgaziwana@dfpe.gov.za](mailto:Sgaziwana@dfpe.gov.za) or to the telephone numbers 021-402 3016/3209
- 12.9 The information required in condition 13.5 shall be submitted when paying levies to the cashier at the Department of Environment, Forestry and Fisheries, Branch: Fisheries Management, Branch: Fisheries Management, Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town. Alternatively,

payment can be made via direct deposit at any First National Bank (FNB) branch or Electronic Funds Transfer (EFT) to the following banking details:

**Branch code – 204109**

**Account name – Marine Living Resources Fund**

**Account number – 62123256382**

**Deposit reference -**

**The Rights Holder must use its Customer (Party) Number as a deposit reference.**

**The Rights Holder must ensure that proof of the payment together with a levy declaration is faxed to 086 613 6256 or email to [revenue@daff.gov.za](mailto:revenue@daff.gov.za).**

### **13. NON-COMPLIANCE**

- 13.1 A breach of the provisions of the MLRA, its regulations and/or these permit conditions by the Permit Holder may result in the initiation of legal proceedings (which may include section 28 proceedings and/ or criminal proceedings).
- 13.2 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and applicable laws.
- 13.3 The Permit Holder shall not discard any waste material, garbage or pollutants into the sea, r harbour or landing site. The Permit Holder shall safely store all waste material, garbage and pollutants on board the vessel.
- 13.4 There will be no transshipment of catches without authorisation of the Department. Should the Rights holder tranship without the necessary authorisation, the Department may institute legal proceedings, including but not limited to, proceedings in terms of section 28 of the MLRA.
- 13.5 The Permit Holder shall safely store all inorganic waste material, garbage and pollutants on board the vessel. Should the Rights Holder discard any inorganic waste material, garbage or pollutants into the sea and/or not put such waste into dedicated waste bins at the landing site, this permit will be suspended for a period determined by the Department and the Rights Holder shall take those steps considered necessary in terms

of NEMA to remedy any pollution caused.

13.6 Failure to report any contravention of the provisions of the MLRA by a Permit Holder is a criminal offence. Any contravention shall immediately be reported telephonically to the Customer Service Centre at (021) 402 3180 or faxed to 086 505 8180 and thereafter shall be faxed as well to (021) 425 7324, for attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

13.7 The Department may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

#### 14. **CONSULTATION AND COMMUNICATION**

14.1 The Department will prefer to consult and communicate with the Recognised Industrial Bodies for the sector, which is currently the South African Patagonian Toothfish Industry Association.

14.2 Communication regarding all permits and licences shall be addressed to the Department's Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town. The Customer Service Centre may be contacted on 086 000 3474.

14.3 The Chief Director: Marine Resources Management will consult with Rights Holders when conducting performance reviews to determine further criteria against which Permit Holders will be measured.

**15. OBSERVER PROGRAMME**

- 15.1 The Permit Holder shall carry two (2) Scientific Observers onboard in accordance with the CCAMLR Scheme for International Scientific Observation.
- 15.2 The Department is obliged by CCAMLR to achieve 100% Observer coverage in this fishery.
- 15.3 The Permit Holder shall request from the preferred Observer Company for the deployment of observers at least five days before the vessel departs from the Port.
- 15.4 The Observers shall be fully accommodated on board the vessel and provided with food and facilities as detailed below.
- 15.5 The Permit Holder shall bear the costs of the observer deployment.
- 15.6 The Permit Holder shall allow the Observer unrestricted access to monitor fishing activity and compliance with permit conditions and all applicable laws.
- 15.7 The Observer shall be responsible for verifying fisheries data and shall conduct his/her tasks in accordance with the CCAMLR Scheme of International Scientific Observation.
- 15.8 To promote the Department's objectives and in accordance with the CCAMLR Scheme of International Scientific Observation, Scientific Observers shall operate in accordance with the following arrangements:
- (a) The Scientific Observer shall be given the status of a ship's officer. Accommodation and meals for Scientific Observers on board shall be of a standard commensurate with this status;
  - (b) Permit Holders shall ensure that their vessel operators cooperate fully with the Scientific Observers to enable them to carry out the tasks assigned to them by the Department and/or CCAMLR Scientific Committee;
  - (c) Rights Holders shall take appropriate action on board their vessels to ensure the security and welfare of Scientific Observers in the performance of their duties;



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provide them with medical care and safeguard their freedom and dignity;

- (d) Arrangements shall be made for messages to be sent and received on behalf of Scientific Observers using the vessel's communications equipment and operator;
- (e) Arrangements involving the transportation and boarding of Scientific Observers shall be organized so as to minimize interference with harvesting and/or research operations;
- (f) Scientific Observers shall provide to the Master of the vessel copies of such records, prepared by the Scientific Observers, as the Master may wish to retain;
- (g) Transportation of Scientific Observers to and from boarding points, when boarding in Cape Town, shall be the responsibility of the designated Observer Service Provider. Transportation to and from any other boarding point other than Cape Town shall be the responsibility of the Permit Holder;
- (h) Unless otherwise stipulated, the equipment, clothing and at-sea costs of a Scientific Observer shall be borne on a cost-recovery basis as part of a stipulated contract between the Rights Holder and the Observer Service Provider providing the Observer. The Rights Holder shall bear the costs of on board accommodation and meals of the Scientific Observer;
- (i) The Rights Holder shall be responsible to pay the agreed remuneration of the Scientific Observer per day at sea. Additional remuneration shall be provided for a further four days on shore on completion of the voyage to facilitate data capture. A schedule of payment should be agreed between the designated



Observer Service Provider and the Rights Holder before the Observer assumes his/her duties;

- 15.9 Should the Department reasonably believe that an Observer is being prevented from carrying out his/her obligations in any way or threatened in any way while on board, the Department may implement proceedings under section 28 of the MLRA.

**16. PROCESSING AND SALE OF FISH**

- 16.1 Refer to paragraph 10.5 for the sale and export of Patagonian toothfish.

**17 TRANSFER OF FISHING RIGHTS**

- 17.1 The Rights Holder may only transfer the long-term commercial fishing right allocated to it in terms of section 21 of the MLRA read together with the Policy for the Transfer of Commercial Fishing Rights (Gazette No 32449).
- 17.2 Any transfer of shares or sale of shares and/or or membership interest that results in a change in control or ownership of the Rights Holder must be approved by the Department in terms of section 21.
- 17.3 Failing to comply with 18.1 and/or 18.2 may lead to the initiation of further legal proceedings including but not limited to proceedings in terms of section 28 of the MLRA.

**18 TRANSPORTATION OF FISH**

- 18.1 Not Applicable

**19 FISHING PERFORMANCE MEASURING**

- 19.1 The Rights Holder shall be obliged to provide the Department with information required to carry out a performance measuring exercise, which information may include but not limited to:

- (a) Data regarding transformation levels;
- (b) Sustainable fishing practices;
- (c) Data regarding investments made in the fishery and jobs created and sustained;  
and
- (d) Data regarding compliance initiatives.

## 20 ECOSYSTEM EFFECTS OF FISHING

20.1 The Rights Holder must take cognizance of sustainable fishing practices and of the impacts of longlining on the ecosystem (see also paragraph 5.2 and 5.3). In this regard, steps should be taken to minimise fishing mortality on seabirds and other by-catch species, and to minimise other ecosystem impacts such as ghost fishing.

20.2 Minimize seabird mortality:

- (a) All provisions and requirements set out in CCAMLR Conservation Measure 25-02 shall apply and must be strictly adhered to. Offal shall not be discharged during setting. Any such discharge during hauling operations shall take place only on the opposite side of the vessel to that where longlines are hauled.
- (b) Fishing operations shall be conducted in such a way that hooklines (defined as the groundline or mainline to which the baited hooks are attached by snoods) sink beyond the reach of seabirds as soon as possible after they are put in the water. Specifications of the line weighting are given in paragraph 5.2 of this permit.
- (c) The Rights Holder must ensure that the vessel has a streamer line (tori line) onboard. The streamer line/s shall be deployed during longline setting to deter birds from approaching the hookline. Specifications of the streamer line and its method of deployment are given in paragraph 5.3 of this permit.
- (d) Every effort should be made to ensure that birds captured alive during longlining are released alive and that wherever possible hooks are removed without jeopardizing the life of the bird concerned.

- (e) All banded birds killed must be retained whole (frozen or on ice) and returned to port. Other birds killed must be retained, either whole (preferable) or heads and feet (the heads and feet from each bird to be tied together) and returned to port. On landing the birds must be handed over to the FCO. Information contained on bands recovered from seabirds must be reported to: **Central Data Bank for Antarctic Bird Banding, SAFRING, University of Cape Town, Rondebosch, 7701, South Africa; or faxed to: (021) 689 7578.**

### 20.3 Fisheries Management Areas

- (a) The Department intends to declare fisheries management areas in the future.

### 20.4 Vulnerable Marine Ecosystems (VMEs)

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) has developed Conservation Measures to deal with the impacts of bottom fishing on the benthos, in particular VMEs. Conservation Measures 22-06 and 22-07 seek to address practical ways of dealing with encountering VMEs. Monitoring of VMEs according to Conservation Measures 22-07 should be implemented to the extent possible and mid-point positions of line segments must be provided to the observer as they require for random sampling and reporting of triggered segments. It is the responsibility of the vessel, in accordance with the above Conservation Measures to record the number and weight of VME indicator units for each line segments, (including a nil result) and retain and report the to the observer any triggered segments for sampling.

## 21 HIGH SEAS

- 21.1 Where this Permit is being utilised in conjunction with a High Seas Licence, the Permit Conditions apply equally to activities undertaken on the High Seas.
- 21.2 Where fishing is undertaken in an area that is subject to any regional fisheries management organisation (RFMO), all requirements of that relevant RFMO must be complied with and Permit Holders are expected to familiarize themselves with rules and measures of such RFMOs including whether notification must be provided prior to fishing in a particular area.
- 21.3 In addition to condition 21.2, prior notification must be submitted to the relevant RFMO

Secretariat and to the Department at VMSops [VMSops@dffe.gov.za](mailto:VMSops@dffe.gov.za) prior to the vessel entering the relevant RFMO.

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**DIRECTOR: OFFSHORE AND HIGH SEAS FISHERIES MANAGEMENT**

**DATE: 23 / 11 / 2022**

