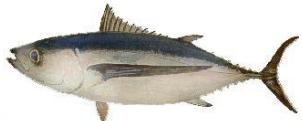




TONGA NATIONAL TUNA FISHERIES MANAGEMENT AND DEVELOPMENT PLAN (2015 – 2017)



February, 2015

Fisheries Division
Ministry of Agriculture, Food, Forestry and Fisheries

FOREWORD

Tuna fisheries have been identified as one of Tonga's most important natural resource. In recent years, we have experienced challenging times with our domestic longline operations. Rising fuel prices, declining albacore prices, low catch rates and economic pressures create a very difficult environment for domestic operators to remain viable even with technical and policy support and advice by His Majesty Government. The said progress in developing tuna resources for the benefit of our people is vital.

This Tuna Fishery Management and Development Plan (TMDP) has been prepared in line with Tonga's Fisheries Management Act and National Strategic Development Plan Eight. This is a revised Plan that will replace the current TMDP. It is a high level policy document that provides guidance to the management and development of tuna fisheries in the period 2015-2017.

This Plan was prepared using the process of ecosystem approach to fisheries management (EAFM), and through broad consultations with relevant stakeholders. The Plan draws from a number reports and policy documents, including the Tonga EAFM Report & Operational Plan, National Tuna Fisheries Status Report (NTFSR), current TMDP and fisheries related regulations. The Plan presents key management, development and compliance strategies and future guidance frameworks. Stemming from this Plan, the Implementation Schedule provides strategic directions upon which the management actions will be implemented. The implementation of this plan is timely to fulfill our national and international obligations and to further provide for the sustainable development of our domestic tuna fishery.

My Ministry acknowledges financial and technical assistance from the Pacific Islands Forum Fisheries Agency (FFA) towards developing this plan. The Plan is the result of many stakeholder consultations and meetings and it reflects the views and wishes of our people.

This Plan requires full support and cooperation of the tuna fishing and processing sectors and the Fisheries Division. This plan shall ensure that your investment and our resources are managed in the most effective and sustainable way.


Honourable Semisi Fakahau
Minister of Agriculture & Food

5 February 2015



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ACRONYMS

CMMs	– Conservation and management measures
EAFM	– Ecosystem approach to fisheries management
FFA	– Pacific Islands Forum Fisheries Agency
F_{MSY}	– Fishing mortality at MSY levels
FMAC	– Fisheries Management Advisory Committee
FM Regs	– Fisheries Management and Conservation Regulation 2008
FMAct	– Fisheries Management and Conservation Act 2002
HMAF	- His Majesty's Armed Forces
IUU	- Illegal, unregulated and unreported
MCS	– Monitoring Control & Surveillance
MTCs	– Minimum terms and conditions
MSY	– Maximum sustainable levels
NPOA	– National Plan of Action
NSDP	– National Strategic Development Plan
NTFSR	– National Tuna Fisheries Status Report
SB _{MSY}	– Stock biomass at MSY levels
SIDs	– Small Island Developing States
SPC	– Secretariat of the Pacific Community
TAC	– Total Allowable Catch
TAE	– Total Allowable Effort
TMDP	– Tuna Management and Development Plan
WCPFC	– Western and Central Pacific Fisheries Commission

Preamble

VISION

- Sustainable, optimum utilization and development of tuna fisheries in Tonga

MISSION

- Ensure ecosystem, precautionary and rights based management principles are incorporated in the management & development of tuna fisheries;
- Ensure tuna catch does not exceed sustainable levels;
- Obtain national revenues from foreign fishing licensing agreements;
- Support development of Tonga-owned and/or foreign Tonga-based fishing enterprises;
- Encourage investment in enterprises related to tuna fisheries;
- Promote good governance and strengthened fisheries institutions;
- Promote employment opportunities and other tangible benefits;
- Promote close collaboration with the fishing industry and other stakeholders in the private sector;
- Enhance international relationships including meeting international obligations;
- Ensure sustainable economic benefits from utilization tuna resources; and
- Promote food security through sustainable utilization of tuna resources.

OUTCOME

Ecosystem-based, sustainable and economically efficient national tuna fisheries

APPROACH

The Plan, consistent, with the principles of the Fisheries Management Act 2002, is aim to provide;

- A clear statement of strategic policies and directions for achieving goals for the management and development of Tonga's tuna fisheries;
- A transparent procedures for participation and decision makings in tuna fisheries; and
- Relevant guidelines to achieving the management strategies through clear objectives and goals.

The Kingdom's approach towards achieving common thematic areas is through the Fisheries Division's efforts to:

Common Theme	FISHERIES DIVISION adds value by:
1. Determine allowable level of fishing, participatory rights & impose licensing fees.	<ul style="list-style-type: none">▪ Ensuring that the tuna catch does not exceed sustainable levels;▪ Ensuring the economic benefits generated by the fishery to the Tonga economy are maximized

	<ul style="list-style-type: none"> ▪ <i>Obtaining</i> national revenue from domestic and locally-based foreign fishing vessels; ▪ <i>Ensuring</i> effective allocation of participatory rights in a fishery; and ▪ <i>Ensuring</i> effective data collection programs in support of relevant assessments on stocks, and costs-benefit structures of fishing operations
2. Promote economic benefits from fisheries development	<ul style="list-style-type: none"> ▪ <i>Supporting</i> development of locally-owned and/or foreign locally-based fishing enterprises; ▪ <i>Encouraging</i> investment in Tonga's domestic tuna fishery that includes fishing, onshore processing, value-adding, and supporting activities; and ▪ <i>Promoting</i> employment opportunities.
3. Economic benefits deriving from outside the fishery	<ul style="list-style-type: none"> ▪ <i>Enhancing</i> fisheries relationships beneficial to Tonga; and ▪ <i>Explore</i> alternative management and partnership arrangements that may generate socio-economic benefits.
4. Promote effective MCS strategy	<ul style="list-style-type: none"> ▪ <i>Encouraging</i> development of a national MCS strategy reflecting on the Regional MCS strategy; ▪ <i>Promoting</i> transparent and effective delivery of monitoring, control and surveillance tools; and ▪ <i>Supporting</i> development and implementation of national VMS and observer programs.

PART 1: INTRODUCTION

1.1 GOAL

The overall goal of this Plan is to manage Tonga's tuna fisheries resources through an ecosystem-based, precautionary and rights-based approach in order to maximize the benefits to Tonga people while ensuring the biological and economic sustainability of the fishery.

1.2 OBJECTIVES

Pursuant to Sec. 7 of the FMAct 2012, and consistent with elements in the preamble and the overall goal, the objectives of the Plan aspire to support national priorities and interests, and give effect to the ecosystem-based, precautionary and rights-based approaches to fisheries management, towards:

- (i) **Ensuring** that the utilization of Tonga's tuna longline fisheries resources is compatible with the sustainable development measures;
- (ii) **Maximizing** economic benefits and ensuring ownership of the fisheries resources to the people of Tonga from optimum utilization of its tuna resources, including fishing, processing and value adding;
- (iii) **Ensuring** that any tuna legislation facilitates support national priorities and interests, and all necessary requirement of regional and international binding frameworks and measures;
- (iv) **Exploring** alternative management arrangements that generate economic benefits;
- (v) **Providing** clear and transparent licensing procedures;
- (vi) **Ensuring** that non target species are not discarded or dumped;
- (vii) **Promote** the use of mitigation measures to minimize bycatch of endangered threatened and protected species; and
- (viii) **Contributing** to capacity building, technology transfer and the food security of Tongan subjects.

1.3 SCOPE

The scope of the Plan covers and includes, *inter alia*, the following:

1. Tuna species covered under this Tuna Plan include:
 - (i) all highly migratory tuna species¹;
 - (ii) all other non-target, associated or dependent species taken in the course of fishing for tuna; and
 - (iii) test fishing operations.
2. All Tonga's "fisheries waters"², including:
 - (i) internal waters;

¹ Three key tuna species for Tonga Longline are albacore, bigeye and yellowfin. Conservation, management and development strategies under the Tuna Plan will concentrate on these key species.

² Territorial waters and EEZ of Tonga Act 2007

- (ii) territorial waters; and
 - (iii) such other waters over which the Kingdom of Tonga from time to time claims sovereignty, sovereign rights or jurisdiction with respect to the marine living resources by legislative enactment or by Royal Proclamation.
3. Types of fishing gears that are specifically fishing for tuna and tuna-like species, including but not necessarily limited to fresh and frozen longlining.
4. All tuna fishing and related activities, as defined in the FMAct 2002, including but not necessarily limited to:
- (i) transshipping;
 - (ii) use of fish aggregation devices;
 - (iii) bunkering;
 - (iv) bait fishing;
 - (v) aircraft support operations;
 - (vi) provisioning; and
 - (vii) all other services relating to the tuna fishery, including on-shore processing and provision of port facilities.
5. All licensed locally-based and foreign vessels fishing in Tonga EEZ and Tongan flag fishing vessels targeting highly migratory tuna and tuna-like species, non-target and associated species, in areas outside Tonga's "fisheries waters".

1.4 LEGAL CONTEXT

The overarching legal basis of this plan is enshrined in relevant provisions of the Fisheries Management Act, 2002 (FMAct). Generally Part II Sec. 3 of the FMAct of 2012 provides for the conservation, management and sustainable utilization and development of the fisheries resources in the fisheries waters and ensures the implementation of management and development.

In particular, the Act stipulates that the Secretary in exercising his Conservation and Management powers under the Act is obligated to consider the following, among others, to:

- (i) **Ensure** the long term conservation and sustainable use of fishery resources (Sec.4(1)); and
- (ii) **Establish and keep** under review plans for the conservation, management, sustainable utilization and development of fisheries in the fisheries waters' (Sec.7 (1)).

Furthermore, the FMAct provides other specific details in Sections 3, 4, and 7 with regard to what the Plan entails. Tonga's Territorial Sea and Exclusive Economic Zone Act 2007 provides similar useful guidance towards effective management and development of the Kingdom's tuna fisheries.

1.5 GUIDING PRINCIPLES

The following key areas are the guiding principles as stipulated in the FMAct 2002. It should guide the development of goals and strategies and its management to achieve the objectives of the plan.

- (i) The application of the precautionary approach in fisheries management;
- (ii) Agree as appropriate on participatory rights such as allocations of allowable catch or levels of fishing effort, and that such allocations follow acceptable standard criteria, as well Tonga's needs and development aspirations;
- (iii) Determination of a total allowable level of fishing effort and catch, which are based on best scientific information, and qualified by economic and environmental factors;
- (iv) The need to protect the ecosystem as a whole and the general aquatic environment and adopt where necessary conservation and management measures;
- (v) The need to have an efficient Monitoring Compliance and Surveillance (MCS) network under the purview of a national MCS strategy; and
- (vi) Promoting and protecting the existing domestic industry.

1.6 EVALUATION & REPORTING

Pursuant to section 7(1) of the Act, the Secretary is responsible for the review and implementation of the plan. This includes organizing consultations with key stakeholders in the review of such plan. Consistent with the objectives of the Plan, the reviews shall take place at any time deemed necessary by the Secretary including annually and at the mid-term of the plan.

The progress of implementing the management, development, regulation and policies and other matters related to and as provided in the Plan shall be reported in the Annual Report of the Fisheries Division, including major difficulties and departures from the plan by the TMC.

Pursuant to Section 7(5), each review thereof shall be submitted to the Minister for approval.

1.7 STATUS OF THE PLAN

The focus of fisheries management in the world has shifted to integrate more holistic form of management. Tonga is committed to a participatory, rights-based, integrated and co-management and ecosystem-based management framework in tuna fisheries. The Plan encourages the involvement of stakeholders in decision making as an integral part of the Ecosystem Approach to Fisheries Management (EAFM). Notwithstanding, the EAFM concept is not a change in direction of policy but builds on and adds value to what is already in place. The aim is to integrate all relevant information and strategic policies and directions relative to Tonga's tuna fisheries under one policy document.

Accordingly, this Plan incorporates ecosystem principles, best conservation and management practices and with support of an appropriate monitoring and compliance strategy. In this direction, the Plan focuses on the promotion of sustainable domestic development aspirations, national priorities and interests, and optimizes utilization of catches in Tonga's tuna fisheries. Moreover, the plan encourages transparency and accountability. The outcomes of the institutional strengthening review of the Fisheries Division would provide key recommendations for institutional changes and thereby improved delivery of services.

This revised Tuna Management and Development Plan (here forth known as the 'The Tuna Plan') is based on a number of important reports and consultations which have been conducted in Tonga. These include the Tonga's EAFM³ report, EAFM Operation Plan 2009, National Tuna Fishery Status Report 2008⁴, Western Central Pacific Tuna Commission Conservation and Management Measures, TSDF⁵ and recommendations from the two conferences namely the National Tuna Conference 2003⁶ and the Commercial Fisheries Conference 2007⁷. The Tonga Strategic Development Framework (2011-2014) which aspires to promote sustained private sector-led economic growth and to create better governance environment. There are other policy papers⁸, which have not been endorsed by cabinet, which were commissioned through the FFA in support of tuna fisheries in the country. An implementation work plan shall keep in track the progress of 'The Tuna Plan'.

The application and implementation of the Plan gives effect to and compliments mandatory requirements under Tonga's Fisheries Management Act 2002 and Regulations. The Plan shall be implemented upon the approval of the Honorable Minister Responsible for Fisheries. The Plan further guides the preparation of annual work-programmes of the Fisheries Division with respect to oceanic fisheries including tunas.

³ A report conducted by the FFA in consultations with the Fisheries Department and fisheries stakeholders in 2007 - 2008

⁴ A status report compiled by the Oceanic Fisheries Programme of the Secretariat of the Pacific Community (SPC) to advice member countries and provides assistance to management of the tuna resources.

⁵ The Tonga Strategic Development Framework (2011-2014)

⁶ The first National Tuna Conference (Where to from Here?) aims at sourcing integration of all sectors for the development of tuna.

⁷ The Fisheries Division conducted a conference in 2007 to raise awareness of fisheries issues in Tonga.

⁸ Tuna Development Strategy, 2012; Draft fisheries policies, 2012; Offshore Fisheries Policy Framework (Fisheries Licensing Proposal Content and Guidelines and associated review processes, Offshore Fisheries License Review Process)

PART 2: STATE OF TONGA'S TUNA FISHERIES

2.1 CURRENT STATE OF TUNA FISHERIES IN TONGA

2.1.1 *Status of the fishery*

- a) **Fleet size** - Prior to 2004 the longline fleet consisted of around 15-25 local and locally-based foreign vessels. Following the implementation of a moratorium on foreign fishing vessels in 2004 the size of the fleet declined and stood at 3 vessels at the end of 2011. The lifting of the moratorium on foreign fishing vessels in 2011 saw vessel numbers increase dramatically in 2012 and 2013 with 25 vessels being licensed between February and April of 2013 as locally-based foreign and foreign vessels entered the fishery. However, the increase in the size of the fleet was not sustained and currently (as at December 31 2014) there are only 9 licensed vessels, 4 local vessels and 5 foreign vessels (Table 1).

Table 1: Number of licensed longline vessel⁹, 2001-14

Years	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Vessels	15	25	23	20	13	11	12	9	6	6	3	17	18	9

Note: The number provide reflect the number of licensed vessels as at December 31 of the given year, except for 2014 which reflects licensed vessel numbers as at 31 December 2014 (Source: Fisheries Division, December 2014)

- b) **Catch and Effort** - Between 2008 and 2013 the total catch taken by Tonga vessels declined as local vessel numbers declined. The re-opening of Tonga's water for locally based and foreign fishing vessels in 2011 resulted in a significant increase in total catch in Tonga's EEZ in 2012 and 2013. Catch estimates of primary species for Tonga longline fleet in 2013 amounted to 223mt, which is about a 10.8% decrease from the previous year.

Table 2: Annual catch (mt) and effort (hooks) estimates for the Tonga longline vessels¹⁰, by primary species, for the WCPFC Convention Area, 2009 – 2013

(Source: Tonga Part 1 Report, 2014)

⁹ In all categories of local vessels, locally-based foreign vessels (Chinese-Taipei flagged) and foreign vessels (China, Chinese Taipei & Fiji flagged)

¹⁰ Only refer to Tonga vessels, local vessels or domestic vessels – i.e. vessels flag to Tonga and Chinese-Taipei

YEAR	Effort Average no. of hooks	Catch (metric tonnes)								Total
		Albacore	Bigeye	Yellowfin	Black Marlin	Blue Marlin	Stripe Marlin	Swordfish	Skipjack	
2009	1023900	124	38	109	3	8	8	22	0	312
2010	531100	57	24	47	2	6	4	26	0	166
2011	701100	34	18	171	2	22	7	22	1	277
2012	977400	20	10	140	2	47	11	19	1	250
2013	778600	13	7	126	-	48	2	26	1	223

The composition of the 2013 catch taken by Tongan longline vessels was dominated by yellowfin (57 %), with 22% of the catch consisting of blue marlin, 12 % swordfish, 6 % albacore, 3% bigeye and 0.4% skipjack with no recorded catch of black marlin.

The catch of the foreign longline fleet in 2013 increased by around 33% compared with 2012 with albacore continuing to be the dominant species caught (Table 3). Fishing effort is widely distributed throughout Tonga's EEZ although more concentrated in the northern area.

Table 3: Annual catches by foreign longline fleets in Tongan EEZ, by flag and species, 2011-2013 (Source: Tonga WCPFC SC Part 1 Report, 2014)

FLAG	Year	Vessels	Trips	100s of Hooks	Catch (metric tonnes)					TOTAL
					ALB	BET	YFT	OTH		
CHINESE TAIPEI	2011	1	2	920	2	1	24	27	54	
	2012	8	44	36893	702	103	284	516	1605	
	2013	17	62	73354	1174	183	451	470	2278	
CHINA	2011				0	0	0	0	0	
	2012				0	0	0	0	0	
	2013	1	1	950	17	1	2	6	26	
FIJI	2011				0	0	0	0	0	
	2012				0	0	0	0	0	
	2013	2	3	3145	68	5	13	10	97	

The highest albacore catch rates from the Tonga EEZ are generally reported during the middle of the year when Tonga has its cool season, with a smaller peak at the end of the year. Albacore catch rates are relatively high in the central and the northern side of the EEZ during the second and the last quarter of the year (2013). For Tonga vessels yellowfin tuna dominate the annual catch distribution for the last four years, and both yellowfin and bigeye catches were primarily reported from central to south of EEZ. Tonga national longline fleets unloaded 100% of their catch at the port in Nuku'alofa.

Licensed foreign vessels of Chinese Taipei, China and Fiji flagged are managed and operated through a local fishing agency, *The Ngatai Marine Enterprise*. These foreign fishing vessels, with the exception of locally based vessel, mostly offload their catch in port of Suva and Levuka in Fiji and Pagopago due to their well-developed infrastructure, for example, -50°C blast freezer connection and canneries.

c) Markets

Tonga's main markets for its tuna exports are Taiwan, Japan, US (Los Angeles, Hawaii), New Zealand and Australia. They are mostly exported as fresh chilled tuna. Pago Pago used to be a target market for frozen albacore. At present albacore and bycatch are sold locally due to increased local demand and low international market value. Licensed foreign vessels fishing in Tonga EEZ land their catches mostly in Suva, Levuka and Pago Pago.

About 50% of the catch by foreign fishing vessels unloaded in port Nuku'alofo are repacked into shipping containers for export which contributes to government revenue collection through a resource rent charge on exported marine product. The FOB value used to calculate this charge is TOP\$7.00 which is lower than export prices on overseas markets. This amount was based on the average prices of fish sold in the local market. The total estimated revenue collected from exports in 2013 declined to TOP\$2,152,739.00 compared with TOP\$4,376,283.00 in 2012.

2.1.2 Domestic tuna fishery

Overall catch in Tonga's EEZ by all licensed fishing vessels (local, locally-based and foreign) in 2013 was the highest on record at 2,624 mt. A large proportion of this catch was taken by licensed foreign vessels (largely based out of Suva) catching mainly albacore and yellowfin tunas and sharks. The value of the catch and contribution to the local economy has also increased many folds largely driven by change of policy to lift the moratorium and allowed licensing foreign vessels in Tonga's EEZ.

Tonga Fisheries Division continues to work closely with the Offshore Fisheries Program (OFP) of SPC on issues regarding the status of tuna resources in the Tonga EEZ relative to the whole stock in the Western and Central Pacific Ocean (WCPO). The total tuna harvested in Tonga's EEZ in 2013 while at record levels is still insignificant relative to the region and WCPO wide catch and is unlikely to have any major impact on the stock in the region and the WCPO. High operating costs and a lack of adequate infrastructure has restricted the development of a locally based fleet.

The main artisanal tuna fishing activities concentrate on surface trolling around FADs and free schools associate with birds using outboard motor boats. Vertical line (for tuna) and mini longline were also introduced to fishing associations and communities to encouraging them to shift fishing to deeper waters rather than over exploit coastal and

near shore species. A significant game-fishing sector exists also in Tonga, fishing largely in territorial waters, and sometimes further offshore.

2.2 TONGA'S RESPONSIBILITIES TO THE WESTERN CENTRAL PACIFIC FISHERIES COMMISSION (WCPFC)

Tonga is party to the WCPFC. In order to fulfill its obligations under this convention, Tonga will implement conservation and management measures under this Plan where appropriate. Tonga is a small island developing state and its responsible domestic developments are exempted and must not be undermined by current and future conservation and management measures of the WCPFC.

However, Tonga will comply with the measures including collection and provision of catch and effort data and meet its reporting requirements. Other specific requirements include, *amongst other things*, observer placement, operational VMS, reporting and various limits for vessels actively fishing in Tonga's EEZ and Tonga flag vessels operating in the high seas and other zones. These requirements will be adapted appropriately as Terms and Conditions (MTC) of fishing licenses, and from time to time, in compliance with future decisions.

Moreover, Tonga is committed to comply, appropriately, with the implementation of conservation and management measures and resolutions for target tuna species primarily, and as well as non-target species. These WCPFC decisions complement Tonga's own management measures under current regulation, examples specific to bycatch and marine environment are as follows:

- (i) **Shark:** Operators shall ensure that tuna longline fishing vessels shall use circular hooks and maintain the 10% retention as stated in current terms and conditions (MTC) of the licenses. CMM 2008-06 requires members to formulate management plans or NPOA for shark. Tonga has a NPOA shark currently being implemented.
- (ii) **Turtle:** There are current regulatory measures specified in the FM Regulations 2008 including seasonal closures, size limitation and prohibited species which has been in place since 1994. Longline fishers must follow the 'releasing guideline' using de-hooking equipment where appropriate and shall record and report catches of any sea turtle. CMM 2008-03 provides the requirements on management of sea turtles by the WCPFC. Tonga will manage turtles as stipulated in the current legislations and turtle CMM.
- (iii) **Sea Birds:** Fishers will be required to adopt appropriate measures to safeguard seabirds. Reporting of any seabird caught during fishing is required be made in the logbooks;
- (iv) **Swordfish:** Tonga is exempted as a Small Island Developing States which may wish to pursue responsible level of development. CMM 2008-05
- (v) **Safeguarding the marine environment:** There shall be no dumping, discarding or polluting the marine environment with chemicals or with

volatile substances. Any biodegradable wastes may be dumped at a distance of 6nm from land.

Tonga requires support and resources to carry out the above tasks and implement all Commission measures and resolutions. The operational plan provides strategic directions and implementation schedule upon which management actions will be implemented (*see Tonga EAFM Operational Plan*)

2.3 FISHING VESSEL LICENSES REQUIREMENTS

Local fishing vessels must first receive a *sea worthiness inspection certificate* from the Marine & Ports Division. Foreign fishing vessels must produce a valid original certificate from their own country of registry, which can be verified in Tonga ports.

The sea worthiness inspection certificate is to be submitted with a complete application forms (issued by the Division of Fisheries). A schematic diagram of the licensing process and procedure is appended as *Appendix 5*. The license application forms shall be submitted together with the criteria as set out below.

The criteria for new and annual endorsement of fishing licenses may be reviewed appropriately from time to time, and includes, *inter alia*:

- (i) Sea worthiness of vessels;
- (ii) Must provide proof of ownership and/or details of shareholder;
- (iii) Completed and submitted application forms;
- (iv) Business Plan for year to be license;
- (v) Approved MCS requirements and MTCs for Tonga fishing licenses;
- (vi) Contributions to domestic fisheries development and economy;
- (vii) Compliance history of the fishing vessel;
- (viii) Advice of the Tuna Management Committee; and
- (ix) Consideration of the Secretary for Fisheries.

Each application shall have a maximum of 10 working days to allow for the administration and screening process. The Secretary for Fisheries shall inform the applicant by writing and/or telephone as to whether the applicant is successful or not.

Determination of participatory rights to fishery is stipulated in Section 6 of the Fisheries Management Act 2002. Fishing license holders shall comply with all requirements provided by the license terms and conditions (MTC), *among other things*, including;

- (i) To cooperate fully with the Division of Fisheries to achieve the goal of this Plan;
- (ii) Take effective actions and measures to control all activities of its vessel(s) including the Master and crews during the period of license;
- (iii) Ensure it has a complete copy of the fisheries legislations and seek clarifications from Fisheries Division or legal representative on important

- sections of the Act and Regulations which governs its fishing activities; and
- (iv) Understand and cooperate with authorized fisheries officers including Port Samplers.

2.4 DOMESTIC TUNA FLEET

No local fishing vessel (LFV) shall be used for longline fishing for tuna species without a Longline fishing License. All application (issued by the Division's License Section) for a local fishing vessel license shall be issued under Section 22 of the FM Act 2002. The associated fees are given in the Local Fishing Vessel Regulation 1995.

No locally based foreign fishing vessel (LBFFV) shall be used for longline fishing for tuna species without a Longline fishing License. All application (issued by the Division's License Section) for a locally based foreign fishing vessel license shall be issued under Section 31 of the FM Act 2002.

An upfront access fee must be paid before a vessel is permitted to fish. The Operator shall ensure payment of:

- (i) the value of catch charge within fourteen (14) days, and
(ii) the observer fees within two (2) days

following receipt of the invoice from the Secretary (refer to *Appendix 4*).

2.5 FISHERY RESEARCH & TRIAL FISHING

For the purpose of scientific research and fishing trials, all applicants shall apply in writing, addressed to the Minister and must include a detailed test fishing plan. Any approved exploratory or test fishing operations will be subject to such conditions as may be set by and included in the authorization issued by the Secretary, or by the Minister in the case of a foreign fishing vessel as set out in the provisions of Sect. 32 of the Act. Amongst other needed documents as may be requested includes:

- (i) Fishing Plan indicating the gear used, area the testing will be conducting, species targeted;
- (ii) Size of vessel, the list of equipment on board, the number of crews, nationality of crews, last employment of the crews;
- (iii) How trial and experimental fishing will benefit Tonga? If there is potential for a fishery then undertake a full bio-economic analyses of that particular resource to determine management limits for the fishery;
- (iv) Seaworthiness of the vessel, where the vessel was last used, when was the last activity of the vessel, has the vessel been caught for illegal activity, last owner of the vessel;
- (v) What are the intentions of the trial and experimental fishing; and

- (vi) Any other useful biological and economic information and analyses that may be useful for the consideration of future exploitation potentials.

2.6 AUTHORIZATION FOR HIGH SEAS TUNA FISHING

This Plan encourages Tongan flagged vessels to participate in high seas fisheries as well as fisheries in other jurisdictions. For an application for a high seas fishing permit, the operator, master, owner or charterer shall comply with Part VIII of the FM Act 2002, and requirements of relevant regulations that set out measures for high seas fishing including fishing permits and conditions of those permits, and consistent with a requirement under CMM 2004-01. Tonga as a member of the WCPFC Convention, shall register all its fishing vessels that are authorized to fish in the high seas on the WCPFC Register of fishing vessels.

2.7 TAC & TAE SETTING

Pursuant to Section 5, the Minister shall, in consultation with the Fisheries Management Advisory Committee¹¹, determine the Total Allowable Catch (TAC) or Total Allowable Effort (TAE). The Fisheries Management Advisory Committee, set up by the FMAAct 2012, shall seek scientific and economic advice from the SPC and FFA Secretariats to help the Committee making informed decisions. The Fisheries Management Advisory Committee shall take into account the advice from the Tuna Management and Development Committee on this matter. The recommended TAC and TAE shall be qualified by economic and environmental factors including development aspirations.

The final decision on setting of the management limits including the TAC and TAE (e.g. limits on vessel numbers) rests with the Minister, and are based on recommendations from the Secretary for Fisheries Division. These limits shall be reviewed regularly, as new stock assessment results and data become available, on the advice of the Secretary responsible for Fisheries. In addition, pursuant to section 6, the Minister may determine and allocate participatory rights.

The new limits set under this Plan were determined taking into account¹²:-

- (i) the objective of maximizing the economic benefits generated from the fishery;
- (ii) the status of the stocks, biomass estimates and the existing level of fishing effort in the fishery;
- (iii) past, present and future fishing patterns and the extent of the catch being utilized for domestic consumption and food security;
- (iv) historical catches and effort in and around our EEZ;
- (v) the fact that Tonga's economy, food supply and livelihood are strongly interlinked and dependent on the exploitation of marine living resources;

¹¹ Advisory committee which advise minister on matters relating to the conservation, management, sustainable utilization and development of fisheries in the Kingdom

¹² Tonga advice under CMM2012-01 para. 14 on declared purse seine fishing days (150-250) allowed in its EEZ

- (vi) the contributions Tonga has made and will continue to make to conservation and management of the stocks, including the provision of accurate data and support for scientific research in the Convention Area;
- (vii) Tonga's strong record of compliance with WCPFC conservation and management measures;
- (viii) the needs of our communities and traditions regarding fish stocks; and
- (ix) Tonga's legitimate development aspirations.

2.8 MANAGEMENT LIMITS

Tonga's national TAC for South Pacific albacore tuna is currently set at 2,500 mt in the longline fishery, consistent with the South Pacific albacore harvest strategy of the FFC Sub-Committee for Southern Tunas and Billfish Fisheries. In the purse seine fishery, there will be annual limit of within the range of 150–250¹³ fishing days allowed in the Kingdom's waters. There are no other catch limits of other tuna and billfish species considering their low volumes relative to region wide stocks.

The total number of longline fishing vessel licenses (including local, locally-based and foreign licenses) issued will be restricted so that the total number of vessels that are licensed to fish at any given time does not exceed fifteen (15). Preference will be given to operators applying for a locally based license. Further, the number of foreign longline fishing vessel licenses will be restricted so that the total number of foreign vessels that are licensed to fish at any given time does not exceed six (6).

In order to achieve the objective of gradually reducing the number of foreign licenses issued and increase local (and locally-based foreign) licenses over time, the issuing of licenses preference will be given to local and then locally-based foreign vessels. All licensed fishing vessels shall offload all catch in the authorized ports of Tonga.

Specific catch limits are provided in Table 4 below.

Table 4: Catch targets (metric tonnes per year) by species in Tonga's EEZ

Species	Target	Remarks
Albacore	2500	Manage through SP ALB harvest strategy plus tuna plan
Bigeye	2000	Manage through CMM2014-01 plus tuna plan
Yellowfin	2000	Manage through tuna plan
Skipjack	-	No limit and managed through tuna plan
Swordfish	-	No limit and managed through tuna plan
Striped marlin	-	No limit and managed through tuna plan
Sharks	10% by 2017	Manage through NPOA (sharks)

¹³ Tonga advice under CMM2012-01 para. 14 on declared purse seine fishing days (150-250) allowed in its EEZ

2.9 FISH PROCESSING FACILITY & EXPORT

The Act requires that fish processing establishment must undergo a formal process of licensing. The establishment of fish processing facilities shall meet all the legal requirements for fish processing and export as stipulated in Part 4 of the FMAct 2002 and the Fisheries (Process and Export) Regulation 2008. The Conditions of this license is appended in *Appendix 3a*.

2.9.1 DENYING OF NEW APPLICATION

Application may be denied for reasons, *amongst other things*, that;

- (i) The owner or operator has committed an offence against the laws of Tonga;
- (ii) The owner or operator has failed in the past to satisfy the Fisheries Division in any application with good reasons;
- (iii) The current license system is subject to a TAE or a TAC of which its participation shall exceed the allocated catch for the year; and
- (iv) Employing of a Captain or Master Fishermen who has been in breach and non-compliance of Tonga Fisheries Management Act 2002 and fisheries related regulations.

2.9.2 FORMAL PROCEDURE FOR DEALING WITH GRIEVANCES

The existing Fisheries Council, Fisheries Associations or individual companies should meet with the Division if they need to clarify any issues. All form and type of communication (including letters of complaint) from the tuna industry shall be directed to the Secretary for Fisheries.

As stipulated in Section 28 of the FM Act 2002, any person aggrieved by:

- (i) The refusal of the Secretary to issue or renew a license in respect of a local fishing vessel; or
- (ii) The cancellation or suspension of a license issued in respect of a local fishing vessel,

may within 30 days of the receipt of notification appeal to the Minister. However, foreign vessels operators or entities may lodge in their grievances within 30 days of the receipt of notification appeal to Cabinet, whose decisions shall be final. Grievances from local vessel operators and agents shall be dealt with the Minister responsible for Fisheries. The process and procedures for dealing with grievances is appended in *Appendix 5*.

3.0 FISHERIES GOVERNANCE

The Fisheries Division will exercise transparent and clear fisheries governance policies that safeguards and fosters support towards maximum economic gains and development opportunities.

The Fisheries Division will also prepare policy guidelines that attract foreign investment in the form of partnership arrangements (e.g. charters, joint-ventures) into sustainable expansion of its domestic tuna fisheries covering both onshore infrastructure and domestic fleets.

PART 3 THE MEASURES OF THE PLAN

The following measures shall be implemented in order to realize the goal and objectives of the Plan.

3.1 CATCH & EFFORT LIMITATIONS

Establish limits to ensure the sustainability of tuna fisheries in Tonga EEZ, such that:

- (i) Catch target of 2,500 mt for South Pacific albacore;
- (ii) Total number of longline fishing vessel licenses (including local, locally-based and foreign licenses) issued will be restricted so that the total number of vessels that are licensed to fish at any given time does not exceed fifteen (15). Further, the number of foreign longline fishing vessel licenses will be restricted so that the total number of foreign vessels that are licensed to fish at any given time does not exceed six (6). In issuing licenses preference shall be given to local and then locally-based foreign vessels.
- (iii) Gear type may be determined by the Terms and conditions of the license (MTC);
- (iv) Area restrictions provided for under this Plan or any related policies and legislations; and
- (v) By catch limitation as determine in the current Terms & Conditions of License (MTC) such as those already in place for sharks, seabirds and sea turtle¹⁴.

3.2 ADMINISTRATION OF THE TUNA FISHERIES

Clear and transparent licensing guidelines and processes are needed for the effective administration of tuna fisheries in the Kingdom. This is provided elsewhere in this plan and also includes the following:

- (i) The license process and procedures are appended in *Appendix 5*;
- (ii) Fees associated with this fishery is appended as *Appendix 4*;
- (iii) Fees related to licensing of a local fishing vessel are as in the current Fisheries Local Fishing Vessel Regulation 1995;
- (iv) The license conditions to operate a processing establishment facility and export fish are appended in *Appendix 3a* and a table of associated fees is appended as *Appendix 4*;
- (v) The license conditions for fishing in Tonga EEZ is appended in *Appendix 3b*, high seas permit in *Appendix 3c*.
- (vi) A license suspension policy is provided under the Section 27 of the Fisheries Management Act 2002 and the grounds for suspension.

¹⁴ The Fisheries Management Regulation 2008 stipulates closing seasons, size limitation, prohibited species and the catching of any female species.

3.3 COMBATING IUU

Tonga shall, in accordance with international law, and its Fisheries legislation endeavor to combat IUU activities in its fisheries waters. In order to do this, both internal and external assistances will be sought including His Majesty's Armed Forces (HMAF) and the aerial surveillance by New Zealand Air Force. Tonga also benefits from other joint and collaborative surveillance operations coordinated by the FFA Secretariat. For instance, a successful use of the regional cooperation through the FFA and WCPFC provided the framework for a successful IUU case against a Chinese Taipei Vessel in 2008.

Tonga shall monitor fishing operations of all local, locally-based foreign fishing vessels and foreign vessels in its fisheries waters, as well Tonga flag vessels in other zones. Tonga will be improving and enhancing all its monitoring tools including its Vessel Monitoring System (VMS), National Observer Program, Port Sampling Program, Patrol Boat program and other surveillance activities. Tonga will endeavor to work upgrade its National Observer Program in order to be eligible for registration under the WCPF Commission Observer Programme.

Tonga will update its NPOA (IUU) and details of this work are outlined in *Appendix 1*.

3.4 ACCESS & CHARTER ARRANGEMENTS

Tonga shall, under the period of this Plan and beyond:

- (i) Explore and implement alternative management measures such as bilateral, tri-lateral or multilateral arrangements that support domestic longline fishing development; and
- (ii) Implement Bareboat Charter Arrangement to reduce risks of participation in fishing and processing to investors and encourage locals to participate.

PART 4: DEVELOPMENT ASPIRATIONS

4.1 ASPIRATIONS

Several fisheries policies below will be implemented in the period of this Plan in order to meet Tonga's development aspirations. Other additional tasks relating to, but not limited to, cost of fuel, freight and spare parts will be closely studied by the government for remedial actions.

4.2 BAREBOAT CHARTER ARRANGEMENT

Tonga shall have a bareboat charter arrangement. With assistance from the FFA Secretariat, Tonga will prepare a bareboat legal framework to allow local fishing companies and entities to charter and, if appropriate, flag vessels to fish in its waters, high seas and other zones. To assist in the development of this arrangement the following guidelines, among others, shall be used;

- (i) Each existing license owner companies shall be eligible to apply for a maximum of three (3) license fishing vessel under the charter arrangement;
- (ii) Provided that the current license fishing vessel in the operators control have been actively fishing in the past two years;
- (iii) Any application for charter vessels shall be accompanied by a detailed fishing and business plan indicating how the arrangement will benefit the charterer and Tonga;
- (iv) The charterer may apply to charter more vessels to operate beyond Tonga EEZ;
- (v) The charterer may apply for an onshore processing facility;
- (vi) The charterer shall meet all fees before they are permitted to operate; and
- (vii) All chartered vessels shall be registered on the FFA Vessel Register and the Commission Register, where necessary.

The arrangement and implementation guidelines shall be subject to annual review, if deemed appropriate.

4.3 INFRASTRUCTURE IMPROVEMENT & SUPPORT

4.3.1 *Loining Processing Facility*

Tonga's historical catches are dominated by south pacific albacore tuna. In order to explore alternative development opportunities Tonga will explore the possibility of a small-scale loining processing facility. Lessons will be drawn from a similar processing

facility established in the past. The development of onshore facilities aims to increase volume of catch that would be offloaded in Tonga's port from possible expansion of the fishery. While Pago Pago has closed one of its canneries and the future of Fiji's PAFCO remains uncertain it presents Tonga with an opportunity to take up loining as an alternative.

4.3.2 *Airport Cold Storage Facility*

An airport cold storage facility is essential for the transportation and keeping tuna and other fisheries products in high quality. Such facility will eliminate high cost of transportation and waiting time. The Fisheries Division will seek funding support towards establishing such facility.

4.3.3 *Wharf Development*

The current fisheries wharf needs to be further developed to properly cater for the needs of the tuna longline and other fisheries. There are considerable burden in delivering and access to fuel, freshwater supplies, ice, slipway and berthing. The development of the Tu'imatamoana market as a designated fishery wharf would require that it meets international standards and provide necessary utilities for foreign and local vessels demand as fishing agreements needs proper infrastructure, noting that this is included in the master plan prepared in conjunction with New Zealand. The Fisheries Division will also review infrastructure support for commercial fishing as part of the formulation of a port management and development strategy. Funding support will be sought appropriately from donor partners.

4.4 REGIONAL MANAGEMENT ARRANGEMENTS

Tonga is a member to the SC-SPTB¹⁵, TVM and FFA upon which Tonga will engage and strategically pursue its economic and development interests in other jurisdictions south of the equator. Tonga is a party to the Niue Treaty. Tonga aspires to expand its domestic fleets, through charters and alternative joint-venture arrangements, as one strategy towards responsible development. Tonga is also a signatory to the Tokelau Arrangement.

Linking to this development, Tonga will explore bilateral, tri-lateral and multilateral reciprocal arrangements with neighboring FFA countries and others to allow the extension of area for fishing by its flag fishing vessels. To ensure compliance in other jurisdictions, Tonga must link their commitment to incorporate, as appropriate, MTCs into their regulatory framework.

4.5 FOREIGN & LOCAL INVESTMENT

The Government of Tonga has reformed its Foreign Investment Act 2006 to be conducive to economic development. The Fisheries Division has repealed the 2004 moratorium on foreign vessels in order to attract foreign investment into the country, and ensure that economic returns from the tuna stocks in Tonga's EEZ were generated.

¹⁵ FFC Sub-Committee for South Pacific Tuna and Billfish Fisheries

The Fisheries Division will continue to strengthen the provision of business development services, and to facilitate industry development incentives and access to soft loans from financial institutions. Basic onshore infrastructures and regular routes by air to markets abroad remain priority areas that would attract investments in fisheries. An investment strategy will be prepared to assist in developing further domestic fisheries in the country.

4.6 COMPETENT AUTHORITY

The need for a Competent Authority is becoming a pressing requirement to ensure unimpeded market access, particularly to the EU. The Fisheries Division will work with the FFA Secretariat to ensure the Competent Authority is established and performs its functions satisfactorily and meeting standards required by overseas markets for export of tuna and tuna products. Export to the EU would also require compliance with the IUU Regulation, and export to the US would require compliance with HACCP standards. Other traditional markets of Tonga fish products may also require these same or different set of standards.

4.7 ECO-LABELLING & CERTIFICATION PROCESSES

Potential for accessing potential markets such as the EU and US require strict controls of standards in the fishing and processing sectors. The Fisheries Division will seek assistance from the FFA with regard to certification processes that may be required to access overseas markets.

4.8 POTENTIAL MARKETS

Tonga continues to explore potential markets that are easily accessible and provide good returns to exporters. The results of market studies by the FFA and other organisations will continue to be used by Tonga to revise market information available to stakeholders in the country.

4.9 TUNA DEVELOPMENT FUND

It is proposed that a “Fund” be established for the purpose of developing the tuna fisheries sector in the Kingdom. Subject to endorsement of this Fund, the Fisheries Division will prepare a policy for consideration by the appropriate authorities. The Fund shall be used solely to finance activities associated with the Plan, including, but not limited to the construction and maintenance of basic onshore based fisheries facilities and infrastructures and others.

PART 5: COMPLIANCE STRATEGY

5.1 MONITORING, CONTROL AND SURVEILLANCE

There is currently no National MCS Strategy for Tonga tuna fisheries in place yet. Tonga will seek assistance from FFA on this. Notwithstanding, there already exist a number of regulations which deals with issues related to MCS. Of importance, the newly completed FFA Regional MCS Strategy will guide further development of Tonga MCS Strategy. With assistance from FFA, the Fisheries Division will develop its national MCS strategy drawing from current national regulations and the Regional MCS Strategy.

5.2 MARINE PATROL

HMAF will provide maritime patrol throughout Tonga's EEZ and proclaimed areas with success. HMAF has three patrol boats and their current operations are interrupted by its refitting programme in Australia. The patrol boats are also used for boarding and inspection operations. HMAF will continue to provide maritime patrol and onboard search. The Fisheries Division continues to work closely with HMAF to ensure effective surveillance and patrol of Tonga's fisheries waters. This will include the preparation of guidelines/procedures of actions to be taken in the event of a potential offence detected by authorized officers.

5.3 AERIAL SURVEILLANCE

The New Zealand Air Force conducts periodic aerial surveillance under the NORPAT mission and covering most FFA member countries including Tonga's EEZ. The aerial surveillance conducts one over-flight once every two months. It continues to provide support to HMAF and Fisheries Division in combating IUU fishing.

5.4 COOPERATION IN ENFORCEMENT

Tonga continues to participate actively in FFA coordinated surveillance operations. The Kurukuru Operation is a multinational cooperation on enforcement which has over the years operated through Tonga and other FFA member countries. HMAF is empowered through the FMAct 2002 as authorised officer. This also extends to Police officers, Customs and other in-line Ministries.

5.5 PORT SAMPLING

The Fisheries Division will continue its port sampling programme and may require trained staffs and financial resources during this plan period. All tuna longline fishing vessels are required by law to cooperate with authorized officers in collecting data. Requirements for unloading data are provided in the current Terms and Conditions (MTC) of license subsequent terms and conditions of each license.

5.6 OBSERVER

Tonga's observer programme is critical to obtaining real data and essential to research and management. The fishing vessel operator is required to cooperate with the placement

of observers. The Fisheries Division will conduct periodic review of its national observer program drawing from lessons in the current programme as well the FFA regional observer strategy.

5.7 VESSEL MONITORING SYSTEM (VMS)

VMS data and information is sensitive to tracking vessel movements and therefore needs to be protected. VMS data shall not be released without proper authorization from the VMS Officer who shall always consult with the Head of the Fisheries Division regarding any VMS related requests.

The Fisheries Division will want to see that all fishing vessels active in its EEZ are legally licensed to Tonga. Tonga will enter into an arrangement with the Commission to enable viewing of these vessels that are reporting to the WCPFC VMS.

5.8 MARITIME BOUNDARIES

Tonga has several areas of dispute within its EEZ boundary with neighboring countries. Tonga continues to rely on assistance from the FFA, SOPAC-SPC and other relevant agencies and institutions to provide guidance and assist Tonga in their maritime boundaries. The Fisheries Division will keep stakeholders and relevant agencies informed of progress in the work on maritime boundaries. This can be done through a number of forums including but not limited to meetings of the FMAC and its subcommittees, national fisheries summits, fisheries workshops and other related and relevant gatherings. The Fisheries Division will seek to be included in the national boundaries technical work group, and have an awareness workshop on the current status of boundaries work/negotiations with line agencies.

5.9 CONSULTATIVE & ADVISORY COMMITTEES

5.9.1 Tuna Management and Development Committee

Pursuant to section 7(4) of the FMAct, a Tuna Management and Development Committee shall be established to assist with the following:

- Review the performance of the Tuna Management and Development Plan, and provide recommendations to the Secretary on such review;
- Provide a forum for the discussion of any issues related to the plan and more broadly the tuna fishery;
- Assist to ensure transparent decision-making in regard to the tuna fishery.

Membership

The Committee shall comprise the following members:

- (i) the Secretary or his/her nominee as the Chair; and
- (ii) the Head of Fisheries and technical staff, as required;
- (iii) up to two representatives from the National Fisheries Council;
- (iv) up to two representatives from the tuna industry sector.

The Secretary may co-opt any other person to assist for a specific purpose.

Conduct of meetings

The Committee shall meet as necessary including at least once a year. At any meeting of the Committee, a quorum shall consist of the Chairman and 3 members, with at least 1 from the Fisheries Division, the National Fisheries Council and the tuna industry sector.

The Fisheries Division will be responsible for providing secretariat services to the meetings.

5.9.2 Fisheries Management Advisory Committee

Section 8 of the FMAct 2002 provides for the formation of Fisheries Management Advisory Committee, which sets out its membership and functions (*see details in Appendix 2*).

5.9.3 Others

Working relationships between the Fisheries Division and other relevant agencies will be strengthened through regular informal exchanges and, if appropriate, through memorandum of understandings.

The consultative and participatory processes are essential ingredients to encourage transparency and accountability, as well as providing good advice to the Minister for his/her informed decisions on matters relating to the conservation, management, sustainable utilization and development of fisheries in the Kingdom (Sec.8(1)).

Appendix 1:

Implementation Schedule

Strategies	Measures	Target	Current Status
Information Management & MCS (VMS, Observer, Port Sampling, Aerial/ sea patrols, dbases, e-monitoring & other MCS issues)			
Vessel monitoring system (VMS) on all licensed vessels	<p>High proportion of licensed vessels licenses with VMS installed and operating</p> <p>Prepare a letter requesting an arrangement with the Commission to enable viewing of fishing vessels that are reporting to the WCPFC VMS.</p>	<p>Mandatory at 100% as condition of fishing licenses on all licensed vessels</p> <p>A signed arrangement with the Commission by end of 2014</p>	<p>Continue with monitoring and sanctions for repeated violations (e.g. non-renewal of license, terminate license, fines) as per license conditions.</p> <p>Tonga VMS not able to view Tonga licensed vessels in the high seas and the Commission VMS not able to see vessels registered with the Commission in Tonga's EEZ</p>
Observer Programme	5% observer coverage for all fishing vessels under Commission rule; Tonga observer coverage is much higher	<p>Maintain coverage at 50% for all licensed longline vessels in Tonga's EEZ</p> <p>Training of new observers and debriefers, and refresher training of current observers, > 20 qualified by 2017</p> <p>Tonga flag vessels fishing in the high seas and other jurisdictions must observe 5% coverage</p>	Continue monitoring under the National Observer Programme is now up and running
Port Sampling Programme	Maintain the programme to ensure that vital sources of information are properly verified and observer reports improved	The programme is maintained and adequately resourced to ensure a timely provision of catch data; e.g. 2-5 port samplers available each year	Programme is now up and running
Active management of log sheet information	<p>Proportion of logsheets collected in a timely manner</p> <p>Ensure reconciliation of VMS, logsheet and observer data between Fisheries Division and SPC, and possibly other countries where tuna caught in Tonga EEZ are being landed.</p>	<ul style="list-style-type: none"> - close monitoring for timely submission of logsheet reporting for vessels active in Tonga EEZ at least by 100% coverage annually - Trialing of electronic reporting on licensed vessels active in Tonga EEZ; 	<p>Regular reconciliation of logsheet and VMS data and observer data with assistance of SPC and FFA</p> <p>Concerns over the use of raised data in the analysis and modeling because of the uncertainty in the raising factors. Data are raised because of the missing information from logsheets and observer reports, coupled with low coverage of observers on longline vessels. While this holds true the raised data appears to be grossly overestimating actual catches</p>

	Ensure regular update of data for analyses		by species taken out of Tonga EEZ.
Coordination with aerial and surface patrols	Number of successful vessel interceptions	<ul style="list-style-type: none"> - support to continue routine aerial/sea patrols and participation in joint regional operations - improved coordination and liaison between Fisheries Division and Defense (e.g. regular meetings, briefings and debriefings) - making available resources to support routine patrols 	Maintain support and close collaboration with Defence and other appropriate authorities
Negotiate MCS agreements with neighbouring countries	Agreements in place with neighboring countries incl. TVM members Australia, New Zealand, and Fiji	Agreements with neighboring countries	Conclude these agreements and closely monitored for effectiveness
Improved enforcement of fishing terms and conditions	Ensuring that all licensed, and Tonga flag vessels complying with national, regional and international laws	<p>Regular review of licensing terms and conditions 100% compliance expected on all vessels licensed and flagged to Tonga Maintain and improve surveillance and enforcement of MTC's</p>	There is no national MCS strategy
Consolidated MCS measures	Prepare Tonga National MCS Strategy Finalise the Tonga NPOA (IUU)	<p>Tonga National MCS strategy completed in 2015 Tonga NPOA (IUU) completed in 2015</p>	Implement the MCS Strategy with regular updates
<i>Management & Legal (limits, policies, legislations, boundary delimitation, partnership arrangements)</i>			
Economically sound domestic fishery	Implement the new sets of management limits, 2015-17	Annual cap of 15 licenses issued each year for Tonga EEZ, which excludes vessels authorized by Tonga to fish in the high seas and other EEZs under its flag	Close monitoring and ensure licenses issued remain within cap of 15 and in accordance with policy guidelines
	<p>Undertake bio-economic analysis of longline fishery in Tonga EEZ to inform management limits Review TAC and TAE setting Update analyses specific to Tonga</p>	<p>Maintain sustainable catches, catch rates and associated revenues generated each year; target of 15% of total catch revenues by 2017 Update TAC/ TAE setting and bio-economic analyses in 2017</p>	<p>Close monitoring annual estimates of proportion of revenues collected from fisheries related activities (e.g. landing in ports and export, other spin off benefits) other than total revenues generated from bilateral access licensing <i>Analyses will focus on:-</i></p>

	vessels that target yellowfin and bigeye, and foreign vessels that target albacore primarily	Update analyses separating yellowfin/ bigeye targeted local vessels for fresh export, and albacore targeted foreign vessels, in 2017	<ul style="list-style-type: none"> - <i>Economic benefits generated to the Tongan economy by this fleet.</i> - <i>The limit on the number of vessels that will maximise the total/ net economic benefit generated by these vessels to the Tongan economy</i>
Optimum utilization/ maximum economic benefits	Strengthen sub-sectors of fishing, processing and value-adding	Incremental increase number of local and locally-based vessels each year with gradual decrease in foreign vessels At least some level of value-adding by end of 2017	Fresh fish landed are packed for air transport to markets in Australia, US and Japan
	<p>Support for (gradual) phasing out of foreign vessels and replaced with local vessels (and locally based foreign vessels).</p> <p><i>Ensure revenues to government and the economy is gradually increased over time as a result of this new licensing system</i></p>	<p><i>Starting in 2015 impose license cap of 15 with no more than 6 licenses can be issued to foreign vessels at any one time.</i></p> <p><i>Gradual reduction of foreign licenses and increase local (and locally-based foreign) licenses over time but stay within the limit of 15 licenses; target by end of 2017 at least 50% of all licensed vessels active in Tonga EEZ are local and locally-based foreign vessels</i></p>	<p>It has always been the intention that when there is sufficient capacity by Tonga as a Coastal State to exploit tuna resources within its EEZ, it can do so freely. However failing this Tonga must cooperate and grant access to foreigners to exploit the resources in areas under its jurisdictions, and Tonga has the right to enforce its laws against those foreigners (UNCLOS).</p> <p>Recognise that foreign vessels were only allowed in 2011 to increase socio-economic benefits as a consequence of domestic vessels no longer profitable to stay active in the fishery</p>
		EEZ management limits:- <ol style="list-style-type: none"> i. cap of 2,500mt for SP ALB, 2000 mt each for yellowfin and bigeye ii. cap of 15 vessels or licenses iii. area restrictions¹⁶ iv bycatch limits (sharks, seabirds, sea turtles)¹⁷ 	SP ALB catch limit currently negotiated through SC-SPTBF, at 2500mt; a little over 1000mt for all spp. landed in 2012 which is way less than catch limit Current catches and licenses or active longline vessels remain below the limits
	Implement bycatch mitigation measures for sharks, seabirds and sea turtles	Continue implementing the NPOA (sharks) 2014-17	Shark measures are revised and reflected in the NPOA (shark); Interactions with seabirds and sea turtles remain low and negligible.

¹⁶ Tuna Management and Development regulations 2009

¹⁷ Fisheries Management Regulation, 2008

			Collection of data remains a priority and can be further improved. This includes increase in observer coverage and port sampling staffs.
Promote partnership arrangements	Explore alternative management arrangements (bilaterals, trilaterals, multilaterals) to generate economic benefits	Secured 2-3 bilateral arrangements noting the limit of 15 licenses with preference given to local and locally-based foreign vessels At least 2-3 licensing arrangements to allow Tonga flag vessels access and fish in neighbouring EEZs of Tokelau, Tuvalu, Wallis/Futuna, Fiji and Niue.	Close monitoring to ensure licenses issued do not exceed the cap Discussion is continuing on other similar arrangements through the TVM and SC-SPTBF processes (and possibly PNA). Tonga continues enjoying the benefits flowing from the US Treaty. Close monitoring of alternative management arrangements for purposes of stock and long term economic sustainability
	Prepare charter policy guidelines that include conditions and processes Develop and implement a template bareboat charter agreement or legal framework	At least 2-3 charter arrangements by 2017 Complete charter policy template and ready for use by 2015 <i>Responsibility Head of Fisheries with input of senior officials and if appropriate collaboration with FFA</i>	Charter template would allow local fishing companies and entities to charter and, if appropriate, flag vessels to fish in its waters, high seas and other zones.
	Encourage exploratory, research, trial fishing in Tonga EEZ	Trial fishing in 2016 to determine potential for other tuna-like species in Tonga EEZ	Close monitoring in accordance to domestic laws and policies on exploratory and experimental fishing
Update fisheries legislations	Review the Act and regulations pertaining to oceanic fisheries	Amendment to the primary Act and preparation of new regulations adopted early 2016 Complete legislative review by end of 2015	Planning for legislative review
Update plan	Review the Plan at any time necessary, including annually and at the mid-term of the plan	Review completed within the period of the Plan, 2015-2017 <i>The Tuna Management Committee will be responsible for the review, with assistance as appropriate from the FFA.</i>	Ensure that the reviews take place
<i>Development Aspirations</i>			

(basic infrastructure, food security, local participation, sustainability, economic growth in the fishing industry, market, etc.)			
Improve basic onshore infrastructures	Build and complete the fisheries wharf; the Tu'imatamoana wharf is no longer able to accommodate vessels berthing or landing catches	Complete proposal by early 2015 Complete construction and ready for use by end of 2017	Priority action is to formulate project proposals for potential donors to support infrastructure developments in the country that will in turn support economic development in the fisheries sector.
	Explore the possibility of a small scale loining processing facility	A report on this completed by 2015, next step would depend on the outcome of the report Prepare a proposal seeking funding support from donors, early 2016, if appropriate	Head of Fisheries with inputs from senior staffs, and in collaboration with other relevant line ministries and the Fisheries Council to prepare the proposal and transmit to donors
	Construct airport/ wharf cold storage facility Maintain cold chain for Tonga premium quality fresh tuna to markets abroad	Interim proposal for a refrigerated container at the airport ASAP Prepare a proposal and seek funding support from traditional donors and development partners by 2015 Construction of the facility at least by end of 2015, ready for use in 2016	Seek funding support from traditional donors and development partners to build the wharf, cold storage facility at the airport, and loining facility <i>Fisheries Council will continue to consult with Aviation Authority and Fisheries Division on this, and possibly seek funding support to construct the facility</i>
	Construct dry docking facility for boat repair	Consultation between Fisheries Council and Port Authority concluded by early 2015 – to formalise responsibilities and roles, etc. Prepare funding proposal in 2015 and commence construction work in 2016	Supporting facilities in addition to the wharf such as dry docking facility for boat repair was not available in the country making it very un-attractive for FFV to use Tonga as their main port of operation.
Explore job opportunities	Encourage crewing and alternative job opportunities on fishing vessels and onshore processing	Target incremental increase each year from 50 in 2015 to over 200 jobs in 2017 – as observers, crews, engineers, skippers, deckhands, stevedores, packers, managers, office staffs, etc.	Close monitoring in the number of jobs each year
	Encourage training opportunities for Tonga nationals in the areas of observers, crews/deckhands, engineers, skippers, packers, managers, office staffs, etc.	Observers and debriefers – FFA/SPC to assist achieve target of 20 Crew/deckhands – target 30 by the end of 2015 - responsibility of industry, and government in collaboraiton with donor funds will support others Engineers and skippers – NZAID training programme	

		<p>Office staff – Business college in Tonga – target of 10</p> <p>Processors and graders - SPC assistance – target of 10+ processors and 2-3 graders</p> <p>Achieve the above targets by end of 2017</p>	
Contribute to food security in the country	Consistent supply of fish into the local markets and local population	<p>Target to maintain supply local market and local restaurants annually</p>	Bycatch and damaged fish as well as quality fish landed by vessels in port sold directly to local market and individuals
Contribute to domestication of the fishery	<p>Increase support for local ownership & participation in the fishery</p> <p>Encourage bare boat charter initiative</p>	<p>Priority for fishing licenses goes to locals or local and locally-based foreign vessels following criteria for the consideration and issuing of applications.</p> <p>At least 2-3 bare boat charter arrangements that would encourage local investors participation</p>	
	Undertake study or survey of potential markets overseas on the types of fish and valued added products that can be developed and exported from Tonga.	<p>Undertake the study and a report completed by 2015</p>	<p>The FFA has commissioned a number of market studies and the reports are available and useful starting point for this work.</p> <p><i>Fisheries Division in collaboration with other relevant line ministries and Fisheries Council, and if appropriate FFA</i></p>
Market and certification requirements	<p>Ensure processing infrastructure meets EU and all other markets' standards and certification process requirements</p> <p>Establish a Competent Authority</p>	<p>In 2014-15, Fisheries Division will seek FFA assistance with respect to certification processes that be required to access overseas markets, including Competent Authority by 2017.</p> <p>Continue to explore potential market that allow smooth flow of tuna and tuna products</p>	<p>Monitor progress of compliance with market standards and certification requirements</p> <p>Tonga has benefitted from the FFA and TVM specific studies</p> <p>The Fisheries Division will work with the FFA Secretariat to establish a Competent Authority.</p>
Tuna Development Fund	Prepare a policy that should include criteria for the utilization of the Tuna Development Fund	<p>Seek endorsement for the concept to establish the “Fund” first before developing a policy to administer the Fund.</p> <p>Complete this work by early 2015.</p>	No such “Fund” currently in place

		<i>Responsibility - Head of Fisheries with inputs from senior management and FFA FMD</i>	
<i>Governance & Administration (stability, transparency, effective administration & cooperation)</i>			
Resolution of EEZ boundaries	<p>Clear definition of EEZ Boundaries resolved with neighboring countries</p> <p>Prepare a formal letter seeking to be included in the Technical Group on Tonga boundary delimitation work</p> <p>Organize an awareness work on maritime boundary</p>	<p>Definition included in terms and condition Resolution with Fiji at least by 2017 Workshops for awareness on current efforts in 2015-16</p> <p>Prepare the letter as soon as possible and send to the appropriate line ministry of the government</p> <p>Complete the workshop by 2015</p>	<p>No definition No boundaries formally resolved</p> <p>The Fisheries Division is not part of the Technical Working group that work on maritime boundary for Tonga</p> <p>The work on maritime boundary is pursued through the Ministry of Lands. It is important for all relevant stakeholders to be well aware on progress of this work.</p>
Fisheries governance policies	Exercise transparent and clear fisheries governance policies that safeguards and fosters support maximum economic gains and development opportunities	<p>Complete the institutional strengthening (IS) review by end of 2014</p> <p>Implement the recommendations in 2015-17</p>	Monitor the implementation of priority recommendations of the IS review
	<p>Clear and transparent guidelines/ processes for managing tuna fisheries</p> <p>Review schedule of fees regularly in consideration of changing priorities, market prices and investors interests, as well as the productivity and attractiveness of Tonga EEZ</p>	<p>Implement and closely follow in 2015-17:</p> <ul style="list-style-type: none"> - License process and procedures - Fees structure - Licensing and license conditions for onshore processing facilities, fish exports and fishing <p><i>Responsibility – Fisheries Policy Section with inputs from senior staffs, and if appropriate assistance from FFA</i></p>	Close monitoring with regular review
	Prepare policy guidelines (criteria) that deal with licensed vessels in the event of detection of potential offence	<p>Consult with Defense and other relevant agencies in developing the policy</p> <p>Policy completed and endorsed for implementation by end of 2014</p> <p><i>Responsibility - Head of Fisheries with inputs from senior management and FFA FMD</i></p>	Close monitoring of implementing the guidelines

Formal fisheries agreements	<p>Prepare an MOU that would allow for the collection and transfer of catch data for longline vessels licensed to fish in Tonga's EEZ but their catches are offloaded in foreign ports</p>	<p>A signed MOU completed by end of 2014 between the respective fisheries institutions of Tonga and Fiji</p> <p>Prepare and sign MOU by 2015 between Tonga Fisheries Division and authorities in Pago Pago and Chinese Taipei.</p> <p><i>Responsibility - Head of Fisheries with inputs from senior management and FFA legal</i></p>	<p>Concerns over the landing of fish caught in Tonga EEZ in foreign ports incl. Suva, Pagopago and Taipei particularly for frozen fish. The majority of these landings in foreign ports are not correctly documented as fish caught in Tonga EEZ. This practice is a cause of concern particularly not knowing the exact quantity and value of the catch, which in turn affect reporting accurate statistics for Tonga fisheries resources and this catch will help build historical catches for purposes of future allocations.</p>
Financial support	<p>Explore the possibility to establish credit facilities in the country in order to support fisheries development by local entrepreneurs</p>	<p>Preliminary discussions with potential financial institutions such as ADB and World Bank, at least in 2014-15</p>	<p>Fisheries Division in collaboration with other relevant line ministries and Fisheries Council to explore this</p>

Appendix 2:

The Fisheries Management Advisory Committee

Pursuant to Section 8-12 of the FMAct 2012:-

8. (1) The Minister shall establish a Fisheries Management Advisory Committee which shall advise him on such matters relating to the conservation, management, sustainable utilization and development of fisheries in the Kingdom.

(2) The Committee shall comprise the following members-

- (a) the Secretary as the Chairman;
- (b) the Secretary for Lands or his nominee;
- (c) the Secretary for Labour Commerce and Industries or his nominee;
- (d) one member representing commercial fisheries interests nominated by the Tongan Fish Exports Association;
- (e) one member representing women's interests nominated by the Minister;
- (f) two members representing local fishermen nominated by the Minister;
- (g) one member representing Coastal communities nominated by the Prime Minister;
- (h) such other persons not exceeding two whom the Secretary may think fit to appoint.

(3) The members other than ex officio members shall be appointed for a period of 3 years.

9. (1) Where the Secretary refers a matter relating to an application for a licence, permit or authorisation or renewal thereof to the Committee for review, the Committee shall co-opt any person from the community that has responsibility for the subject of the application.

(2) The Committee may co-opt any person representing commercial fisheries interests, women's interests, local fishermen, coastal communities or other such persons as they think fit by reason of any particular expert knowledge or skill, to be a member to assist it for a specific purpose.

(3) A person co-opted shall not be entitled to vote on any question before the Committee.

10. (1) The Committee may regulate and establish procedures for the conduct of its meeting.

(2) At any meeting of the Committee a quorum shall consist of the Chairman and 2 members excluding the co-opted members.

11. (1) All acts of the Committee and all questions coming before the Committee may be decided by open voting and by the majority of the members present and voting.

(2) In the event in which the votes are equal, the Chairman shall also have a casting vote.

12. (1) The Committee may establish sub-committees for members of the Committee.

(2) A sub-committee established under this section shall be established for a specified term and responsibilities.

(3) The sub-committee shall make recommendations to the Committee.

Appendix 3a:

License Conditions for a Fish Processing Establishment

In accordance with s.33(1) of the Act, and as provided in regulation 5(5) of the Fisheries (Processing and Export) Regulations, the holder of a fish processing establishment license shall-

- (i) complete the Fish Processing Log sheet in Form 1 of Schedule 3;
- (ii) submit all completed Fish Processing Log sheets to the Ministry in their original and unaltered form, weekly after the completion of the week to which the log sheet relates; and
- (iii) ensure that the fish processed at such establishment shall not exceed the total quotas allowed to that establishment, including those relating to species and quantity.

License Conditions for Export of Fish

In accordance with s.35(4) of the Act, and as provided in regulations 10-11 of the Fisheries (Processing and Export) Regulations, the following applies:

- (1) A license to export fish for commercial purposes shall be subject to the following conditions in addition to any other conditions required under the Act –
 - (i) the objectives of the relevant management and development plan;
 - (ii) fish products are processed in a licensed fish processing establishment pursuant to an effective HACCP system;
 - (iii) the HACCP Plan was prepared and is monitored by a person who received training in the application of HACCP Principles or by a seafood safety inspector;
 - (iv) the exporter demonstrating that they can consistently meet the appropriate standards regarding microbial and natural toxin contamination, chemical contamination and physical contamination;
 - (v) every consignment of fish to be exported shall be accompanied by a health certificate which has been prescribed by the Secretary and published by Notice in the Gazette; and
 - (vi) comply with the export restrictions on selected species made in the Fisheries (Conservation and Management) Regulations 2008.
- (2) Where a HACCP Plan has been prepared by a seafood safety inspector or where other work applicable is incurred, the fee specified in Schedule 2 shall be paid by the license holder.
- (3) A license to export fish for domestic purposes shall be subject to –
 - (a) any restrictions on export of selected species made in the Fisheries (Conservation and Management) Regulations 2008; and
 - (b) any other conditions required under the Act.
- (4) A holder of a license to export fish for commercial purposes shall –
 - (a) complete the Marine Products Export Log sheet, in Form 2 of Schedule 3, for every day of export of marine product for commercial purposes, including –

- (i) License holder's name;
 - (ii) Date of export;
 - (iii) Destination;
 - (iv) Scientific or common name of each species to export;
 - (v) Number of fish by species;
 - (vi) Total weight by species; and
- (b) submit all completed Marine Products Log sheets to the Secretary in their original and unaltered form no later than 24 hours after the completion of the day to which the log sheet relates.

Appendix 3b:

***Fishing Licence Terms and Conditions
(Local, Locally-Based Foreign and Foreign Fishing Vessels)***

The Owner, Master and Charterer of the vessel shall comply with the following terms and conditions at all times:

1. This vessel is authorised to fish for tuna and tuna-like species in the exclusive economic zone of Tonga using longline gear.
2. The master shall keep this licence or a duly certified copy and the vessel's certificate of good standing on the FFA Vessel Register or a duly certified copy on board at all times, and shall produce these documents for inspection upon the request of an authorised officer.
3. The operator must at all times comply with the Fisheries Management Act 2002 and regulations made thereunder, and all laws and regulations of the Kingdom of Tonga. In the case of a foreign vessel, the Master and crew of the vessel must also comply with the terms and conditions of the relevant access agreement.

Crew

4. In the case of locally-based foreign fishing vessels and foreign fishing vessels, with the exception of the senior officers on the vessel namely the captain, chief engineer and fishing master, at least twenty percent (20%) of all crew must be Tongan nationals.

Stowage of gear

5. The fishing gear must be stowed in such a manner that it is not immediately available for fishing whenever the vessel is present in a Closed Area in the fisheries waters.

Markings

6. Markings and identification of the vessel shall be clearly displayed in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels. The vessel shall clearly display, on both sides and on its deck, its International Radio Call Sign (IRCS) or the country (flag state) registration number.

Reporting Requirements

7. The master shall report in English by facsimile or electronic means to the Secretary, Ministry responsible for Fisheries, P.O. Box 871, Nuku'alofa or Telephone (676) 21 399, 27 799 or Facsimile (676) 23 891) on information relating to the

position of, catch¹⁸ and observer on board, the vessel, in the format specified hereunder, and in the manner as follows:

- (a) Each Wednesday;
 - (b) At least 48 hours prior to entry into and departure from the fisheries waters;
 - (c) At least 24 hours prior to entry into and exit from a port in Tonga.
8. The master shall provide 72 hours' notice of a request to tranship fish, undertake bunkering or re-provision the vessel. The vessel may only undertake these activities in an approved port and shall operate under such conditions as specified by the Secretary, including the provision of a report of the activity.
 9. The master shall complete daily catch reports (log sheets) in English on board the vessel in the form approved by the Secretary. Upon arrival in an approved port in Tonga, these logsheets, along with true copies of the landing and out-turn documentation, and landing slips and dock receipts, shall be submitted by the Master in their original and unaltered form to the authorised officer in Tonga, who shall check such logsheets. No fish shall be landed unless the logsheets have been duly completed.
 10. Within three days of arrival in an approved port and having unloaded the catch, the master shall submit the unloading catch forms to the Fisheries Division.

Closed Areas

11. The vessel is not permitted to fish in designated closed areas, as follows:
 - (i) within 12 nautical miles of any reef or island in the fisheries waters of Tonga, except with a specific exemption in writing from the Secretary designating those areas within 12nm where the vessel may fish;
 - (ii) within 3 nautical miles from the centre of all underwater seamounts located in the fisheries waters, and where two or more seamounts are in close proximity, the distance of 3 nautical miles shall be measured from the centre of the nearest seamount; and
 - (iii) in Special Management Areas within the fisheries waters.

Bycatch

12. The Operator shall prevent or minimise by-catch in the tuna fishery by:
 - (i) setting the longlines in waters at least 1000 metres in depth;
 - (ii) using tuna circle hooks, whereby the first hook is at least 120 metres in depth and the deepest hook is at least 340 metres in depth.
13. The operator:

¹⁸ The term "catch" covers target and non-targeted species.

- (i) is prohibited from using the vessel to target sharks;
- (ii) is prohibited from using wire trace as branch lines or leaders;
- (iii) shall comply with shark by-catch limits currently set at 14% of total catch per fishing trip in 2015, 12% in 2016 and 10% by 2017;
- (iv) shall land sharks with all fins, including the tail fin, naturally attached. Fins may be cut so they can be folded but must remain naturally attached and not be completely severed from the carcass; and
- (v) shall promote live release and use of circle hooks.

14. Fishing, storing or retaining on board, transhipping or landing in whole or in part, any of the following sharks listed below shall be prohibited:

Common Name	Scientific name
Oceanic whitetip shark	<i>Carcharhinus longimanus</i>
Scalloped hammerhead	<i>Sphyrna lewini</i>
Great hammerhead	<i>S. mokarran</i>
Smooth hammerhead	<i>S. zygaena</i>
Porbeagle shark	<i>Lamna nasus</i>
Silky shark	<i>Carcharhinus falciformis</i>

15. The operator shall ensure that where any shark listed in paragraph 14 is unintentionally caught:

- (i) the necessary steps to ensure the safe release of the shark, including as soon as possible bringing the shark alongside the vessel in a manner that results in as little harm to the shark as possible; and
- (ii) report all incidents of shark releases, including the status at time of release; and
- (iii) allow any observer to collect biological samples from oceanic white tip and silky sharks, and as appropriate any other listed shark species, that are dead on the haul back, provided that the samples are part of a research project approved by the Scientific Committee.

Unloading

16. The operator shall ensure that one hundred percent (100%) of its catch is landed in an approved port in Tonga.

Verbal communication

17. Unless the Secretary otherwise directs in writing or unless the master of the vessel is able to communicate effectively in English, the vessel shall at all times carry a person who is able to communicate effectively in English, and in the language of the master of the vessel.

18. The Master and all members of the crew shall immediately comply with every lawful instruction and direction given by an observer or authorised officer and facilitate safe boarding, entry and inspection of the vessel, its licence, gear, equipment, records, facilities, fish and fish products.
19. The master and all members of the crew shall take all measures to ensure the safety of an observer or authorised officer in the performance of his duties, and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorised officer in the performance of his duties.
20. All costs for the placement (travel to and from the vessel), salary and full insurance coverage of authorised observer will be borne by the operator, in accordance with instructions provided by the Secretary.
21. In the case of a locally based foreign fishing vessel or a foreign fishing vessel, the operator shall ensure one hundred percent (100%) observer coverage. In the case of a local fishing vessel, the operator shall ensure twenty percent (20%) observer coverage.

Mode of location & communication

22. The operator shall install, maintain and operate a registered FFA VMS or such other approved ALC/MTU at all times and in accordance with the manufacturer's specifications and operating instructions and FFA standards as approved by the Secretary.
23. The operator shall ensure that no person tampers or interferes with the automatic location communicator or mobile transceiver unit and that the unit is not altered, damaged or disabled.
24. The operator shall ensure that the automatic location communicator or mobile transceiver unit is switched on and is operational at all times during the period of validity of this licence. In order to ensure the unit is working at all times, the Operator shall provide separate power to the unit to ensure that it can operate with its own battery when other electronic equipment is shut down. The operator of a foreign fishing vessel shall ensure that the ALC/MTU is not moved from the agreed installed position or removed without the prior permission of the licensing authority.
25. The operator, upon notification by the Ministry that the vessel's automatic location communicator or mobile transceiver unit has failed to report, shall ensure that reports

containing the vessel's name, call sign, position (expressed in Latitude and Longitude to minutes of arc), and date and time of the report, are communicated to the Secretary at intervals of 4 hours or such shorter period as specified by the Secretary, commencing from the time of notification of the failure of the unit. Such reports must continue until such time the unit is confirmed operational by the Secretary.

26. If it is not possible to make any one or more of the further position reports as above, or when the Secretary so directs, the master of the vessel must immediately stow the fishing gear and take the vessel directly to a port identified, and as soon as possible, report to the Secretary that the vessel is being, or has been, taken to port with gear stowed.
27. The operator shall ensure the continuous monitoring of the international distress and calling frequency 2182 khz (HF), and the international safety and calling frequency 156.8 Mhz (channel 16, VHF-FM) to facilitate communication with the fisheries management, surveillance and enforcement authorities of Tonga.
28. The operator shall ensure that a recent and up to date copy of the International Code of Signals (INTERCO) is on board and accessible at all times.

Marine Environment

29. The operator or any crew member shall not directly or indirectly contaminate the high seas or the fisheries waters in any way, including by the discharge of any object or substance or by any act or omission that is likely to cause damage to or deterioration in the quality of the marine resources. The following is presumed to cause damage to or deterioration in the quality of the marine resources:
 - (i) non-biodegradable rubbish or debris, including metals and plastics;
 - (ii) discharge of a poison, chemical or noxious substance, including but not limited to oil, petroleum, solvents, or metals; and
 - (iii) introduction of disease.

30. The operator or any member of the crew shall not dump or abandon any fishing gear or part thereof, and shall report any fishing gear lost at sea.
31. The operator shall ensure that any other objects and substances likely to cause damage to or deterioration in the quality of marine resources is stored on board the vessel and returned to port.

Other

32. The operator shall ensure payment of:
- (i) the value of catch charge within 14 days; and
 - (ii) observer fees within 2 days;

upon receipt of an invoice from the Secretary.

**FAILURE TO COMPLY WITH THESE AND OTHER TERMS AND
CONDITIONS OF THE LICENCE, NATIONAL LAWS AND REGULATIONS
MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE
INCURRED, RESULT IN THE SUSPENSION OR CANCELLATION OF THE
LICENCE, EITHER TEMPORARILY OR PERMANENTLY**

FORMAT FOR VESSEL REPORTING

(A) Weekly Reports (each Wednesday)

- (i) report type (WEEK);
- (ii) date and time (GMT);
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) licence number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) intended action; and
- (ix) observer name and nationality.

as: WEEK/DDMMYY/TIME/VESSEL NAME/CALL SIGN/LIC NO/LA
1111/LO11111/SJ xxx YF yyy OTH zzz/INTENDED ACTION/OBSERVER
NAME AND NATIONALITY

(B) Zone Entry and Exit Reports

- (i) report type (ZENT for entry and ZEXT for exit);
- (ii) data and time (GMT);
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) licence number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) intended action; and
- (ix) observer name and nationality.

as: ZENT (or ZEXT) DDMMYY/TIME/VESSEL NAME/CALL SIGN/LIC
NO/LA 111/LO 11111/SJ xxx YF yyy OTH zzz/INTENDED
ACTION/OBSERVER NAME AND NATIONALITY

(C) Port Entry (including for unloading) Reports

- (i) report type (PENT);
- (ii) date and time (GMT)
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) licence number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) estimated time of entry into port (GMT);
- (ix) port name;
- (x) intended action; and
- (xi) observer name and nationality.

as: PENT/DDMMYY/TIME/VESSEL NAME/CALL SIGN/LIC NO/LA
1111/LO 11111/SJ xxx YF yyy OTH zzz/PORT/ETA/INTENDED
ACTION/OBSERVER NAME AND NATIONALITY

(D) Port Exit Reports

- (i) report type (PEXT);
- (ii) date and time (GMT)
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) licence number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) estimated time of entry into port (GMT);
- (ix) port name;
- (x) intended action; and
- (xi) observer name and nationality.

as: PEXT/DDMMYY/TIME/VESSEL NAME/CALL SIGN/LIC NO/LA
1111/LO 11111/SJ xxx YF yyy OTH zzz/PORT/ETA/INTENDED
ACTION/OBSERVER NAME AND NATIONALITY

Appendix 3c

HIGH SEAS FISHING PERMIT TERMS AND CONDITIONS

The Owner, Master and Charterer of the vessel shall comply with the following terms and conditions at all times:

1. This vessel is authorised to fish for tuna and tuna-like species in the high seas of the Western and Central Pacific Ocean, and such other high seas areas approved in writing by the Secretary.
2. The operator shall not allow any fishing methods or fishing gears other than tuna long line.
3. The operator shall keep this high seas fishing permit or a duly certified copy on board at all times and shall produce the permit for inspection upon request by an authorised officer, or a high seas inspector accredited by the Western and Central Pacific Fisheries Commission.
4. Subject to sea safety conditions, the operator shall permit a high seas inspector accredited by the Western and Central Pacific Fisheries Commission to carry out boarding and inspection on the high seas in accordance with that Commission's boarding and inspection procedures.
5. The operator must at all times comply with the Fisheries Management Act 2002 and regulations made thereunder, and all laws and regulations of the Kingdom of Tonga.
6. The Operator must comply with international conservation and management measures adopted by the Western and Central Pacific Fisheries Commission for species targeted and caught by the vessel, including non-target and by-catch species.

Stowage of gear

7. The fishing gear must be stowed in such a manner that it is not immediately available for fishing whenever the vessel is present in a Closed Area in the fisheries waters.

Markings

8. Markings and identification of the vessel shall be clearly displayed in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels. The vessel shall clearly display, on both sides and on its deck, its International Radio Call Sign (IRCS) or the country (flag state) registration number.

Reporting Requirements

9. The Master shall report in English by facsimile or electronic means to the Secretary, Ministry responsible for Fisheries, P.O. Box 871, Nuku’alofa or Telephone (676) 21 399, 27 799 or Facsimile (676) 23 891) on information relating to the position of, catch¹⁹ and observer on board, the vessel, in the format specified hereunder, and in the manner as follows:
 - (i) Each Wednesday;
 - (ii) At least 48 hours prior to entry into and departure from the fisheries waters;
 - (iii) At least 24 hours prior to entry into and exit from a port in Tonga; and
 - (iv) At least 24 hours prior to the estimated time of entry into and departure from high seas areas identified as special management areas by a regional fisheries management organisation to which Tonga is a member.
10. The Master shall provide 72 hours’ notice of a request to tranship fish, undertake bunkering or re-provision the vessel. The vessel may only undertake these activities in an approved port and shall operate under such conditions as specified by the Secretary, including the provision of a report of the activity.
11. The Master shall complete daily catch reports (log sheets) in English on board the vessel in the form approved by the Secretary. Upon arrival in an approved port in Tonga, these logsheets, along with true copies of the landing and out-turn documentation, and landing slips and dock receipts, shall be submitted by the Master in their original and unaltered form to the authorised officer in Tonga, who shall check such logsheets. No fish shall be landed unless the logsheets have been duly completed.
12. The operator of every vessel that undertakes fishing operations in the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north shall notify the Director of Fisheries at least 6 hours prior to entry and no later than 6 hours prior to exiting the Eastern High Seas Pocket the following information: VID/Entry/Exit: Date/Time1; Lat/Long1; YFT/BET/ALB/SKJ/SWO/SHK/OTH/TOT(kgs)/TRANSHIPMENT (Y/N). Such a report shall also contain estimated catch (kilograms) on board.
13. Within three days of arrival in an approved port and having unloaded the catch, the master shall submit the unloading catch forms to the Fisheries Division.

Sharks

14. The vessel:
 - (i) shall not target sharks;
 - (ii) shall not use wire trace as branch lines or leaders;

¹⁹ The term “catch” covers target and non-targeted species.

- (iii) shall comply with shark by-catch limits currently set at 14% of total catch per fishing trip in 2015, 12% in 2016 and 10% by 2017;
 - (iv) shall land sharks with all fins, including the tail fin, naturally attached. Fins may be cut so they can be folded but must remain naturally attached and not be completely severed from the carcass; and
 - (v) shall promote live release and use of circle hooks.
15. Fishing, storing or retaining on board, transhipping or landing in whole or in part, any of the following sharks listed below shall be prohibited:

Common Name	Scientific name
Oceanic whitetip shark	<i>Carcharhinus longimanus</i>
Scalloped hammerhead	<i>Sphyrna lewini</i>
Great hammerhead	<i>S. mokarran</i>
Smooth hammerhead	<i>S. zygaena</i>
Porbeagle shark	<i>Lamna nasus</i>
Silky shark	<i>Carcharhinus falciformis</i>

16. The operator shall ensure that where any shark listed in paragraph 14 is unintentionally caught:
- (i) the necessary steps to ensure the safe release of the shark, including as soon as possible bringing the shark alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible;
 - (ii) report all incidents of shark releases, including the status at time of release; and
 - (iii) allow any observer to collect biological samples from oceanic white tip and silky sharks, and as appropriate any other listed shark species, that are dead on the haul back, provided that the samples are part of a research project approved by the Scientific Committee.

Unloading

17. The operator shall ensure that one hundred percent (100%) of its catch is landed in an approved port in Tonga.

Verbal communication

18. Unless the Secretary otherwise directs in writing or unless the master of the vessel is able to communicate effectively in English, the vessel shall at all times carry a person who is able to communicate effectively in English, and in the language of the master of the vessel.

Observers and Authorised Officers

19. The Master and all members of the crew shall immediately comply with every lawful instruction and direction given by an observer or authorised officer and facilitate safe

boarding, entry and inspection of the vessel, its licence, gear, equipment, records, facilities, fish and fish products.

20. The Master and all members of the crew shall take all measures to ensure the safety of an observer or authorised officer in the performance of his duties, and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorised officer in the performance of his duties.
21. All costs for the placement (travel to and from the vessel), salary and full insurance coverage of authorised observer will be borne by the operator, in accordance with instructions provided by the Secretary.
22. The operator shall ensure that the vessel carries an observer from the WCPFC Regional Observer Programme.

Mode of location & communication

23. The Operator shall install, maintain and operate a registered FFA VMS or such other approved ALC/MTU at all times and in accordance with the manufacturer's specifications and operating instructions and FFA standards as approved by the Secretary.
24. The Operator shall ensure that no person tampers or interferes with the automatic location communicator or mobile transceiver unit and that the unit is not altered, damaged or disabled.
25. The Operator shall ensure that the automatic location communicator or mobile transceiver unit is switched on and is operational at all times during the period of validity of this licence. In order to ensure the unit is working at all times, the Operator shall provide separate power to the unit to ensure that it can operate with its own battery when other electronic equipment is shut down. The operator of a foreign fishing vessel shall ensure that the ALC/MTU is not moved from the agreed installed position or removed without the prior permission of the licensing authority.
26. The Operator, upon notification by the Ministry that the vessel's automatic location communicator or mobile transceiver unit has failed to report, shall ensure that reports containing the vessel's name, call sign, position (expressed in Latitude and Longitude to minutes of arc), and date and time of the report, are communicated to the Secretary at intervals of 6 hours or such shorter period as specified by the Secretary, commencing from the time of notification of the failure of the unit. Such reports must continue until such time the unit is confirmed operational by the Secretary.
27. If it is not possible to make any one or more of the further position reports as above, or when the Secretary so directs, the master of the vessel must immediately stow the fishing gear and take the vessel directly to a port identified, and as soon as possible,

report to the Secretary that the vessel is being, or has been, taken to port with gear stowed.

28. The Operator shall ensure the continuous monitoring of the international distress and calling frequency 2182 khz (HF), and the international safety and calling frequency 156.8 Mhz (channel 16, VHF-FM) to facilitate communication with the fisheries management, surveillance and enforcement authorities of Tonga.

Marine Environment

29. The Operator or any crew member shall not directly or indirectly contaminate the high seas or the fisheries waters in any way, including by the discharge of any object or substance or by any act or omission that is likely to cause damage to or deterioration in the quality of the marine resources. The following is presumed to cause damage to or deterioration in the quality of the marine resources:

- (i) non-biodegradable rubbish or debris, including metals and plastics;
- (ii) discharge of a poison, chemical or noxious substance, including but not limited to oil, petroleum, solvents, or metals; and
- (iii) introduction of disease.

30. The Operator or any member of the crew shall not dump or abandon any fishing gear or part thereof, and shall report any fishing gear lost at sea.

31. The Operator shall ensure that any other objects and substances likely to cause damage to or deterioration in the quality of marine resources is stored on board the vessel and returned to port.

Other

32. The operator shall ensure payment of:

- (i) the value of catch charge within 14 days; and
- (iii) observer fees within 2 days;

upon receipt of an invoice from the Secretary.

**FAILURE TO COMPLY WITH THESE AND OTHER TERMS AND
CONDITIONS OF THE LICENCE, NATIONAL LAWS AND REGULATIONS
MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE
INCURRED, RESULT IN THE SUSPENSION OR CANCELLATION OF THE
LICENCE, EITHER TEMPORARILY OR PERMANENTLY**

FORMAT FOR VESSEL REPORTING

(A) Weekly Reports (each Wednesday)

- (i) report type (WEEK);
- (ii) date and time (GMT);
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) permit number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) intended action; and
- (ix) observer name and nationality.

as: WEEK/DDMMYY/TIME/VESSEL NAME/CALL SIGN/PERMIT NO/LA
1111/LO11111/SJ xxx YF yyy OTH zzz/INTENDED ACTION/OBSERVER NAME
AND NATIONALITY

(B) Zone Entry and Exit Reports

- (i) report type (ZENT for entry and ZEXT for exit);
- (ii) date and time (GMT);
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) permit number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) intended action; and
- (ix) observer name and nationality.

as: ZENT (or ZEXT) DDMMYY/TIME/VESSEL NAME/CALL SIGN/PERMIT NO/LA
111/LO 11111/SJ xxx YF yyy OTH zzz/INTENDED ACTION/OBSERVER NAME
AND NATIONALITY

(C) Port Entry (including for unloading) Reports

- (i) report type (PENT);
- (ii) date and time (GMT)
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) permit number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) estimated time of entry into port (GMT);
- (ix) port name;
- (x) intended action; and
- (xi) observer name and nationality.

as: PENT/DDMMYY/TIME/VESSEL NAME/CALL SIGN/PERMIT NO/LA 1111/LO 11111/SJ xxx YF yyy OTH zzz/PORT/ETA/INTENDED ACTION/OBSERVER NAME AND NATIONALITY

(D) Port Exit Reports

- (i) report type (PEXT);
- (ii) date and time (GMT)
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) licence number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) estimated time of entry into port (GMT);
- (ix) port name;
- (x) intended action; and
- (xi) observer name and nationality.

as: PEXT/DDMMYY/TIME/VESSEL NAME/CALL SIGN/LIC NO/LA 1111/LO 11111/SJ xxx YF yyy OTH zzz/PORT/ETA/INTENDED ACTION/OBSERVER NAME AND NATIONALITY

(E) RFMO Special Management Area Entry and Exit Reports

- (i) report type (SMENT for entry and SMEEXT for exit);
- (ii) date and time (GMT);
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) permit number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) intended action;
- (ix) transhipment; and
- (x) observer name and nationality.

as: SMENT (or SMEEXT) DDMMYY/TIME/VESSEL NAME/CALL SIGN/PERMIT NO/LA 111/LO 11111/SJ xxx YF yyy OTH zzz/INTENDED ACTION/TRANSHIPMENT/N/OBSERVER NAME AND NATIONALITY

Appendix 4:

Associated fees for the Tuna Fisheries

As in accordance with the Fisheries Management (Processing & Export) Regulations 2008, Section and its subsequent sub paragraph in 4, 5, 6, 7, 8, 9 and 12 stipulates associated fees in regards to Export.

SCHEDULE 4A

TEPILE 2

FEES

NGAAHI TOTONGI

1.	Application for registration of a fish processing establishment <i>Tohi kole ke lesisita ha fale ngaohi'anga ika</i>	\$5.00
2.	Certificate of registration of a fish processing establishment <i>Tohi Fakamo'oni kuo lesisita ha fale ngaohi'anga ika</i>	\$10.00
3.	Application for a fish processing establishment license <i>Tohi kole ki ha laiseni fale ngaohi'anga ika</i>	\$50.00
4.	Application to renew a fish processing establishment license <i>Tohi kole ke fakafo'ou ha laiseni fale ngaohi'anga ika</i>	\$10.00
5.	Fish Processing Establishment License <i>Laiseni 'o e Fale Ngaohi'anga Ika</i>	\$100.00
6.	Application for a fish export license <i>Tohi kole ki ha laiseni ke hu atu ki tu'apule'anga 'a e ika</i>	\$50.00
7.	Application to renew a fish export license <i>Tohi kole ke fakafo'ou 'a e laiseni ke hu atu ki tu'apule'anga 'ae ika</i>	\$10.00

SCHEDULE 4B

1. Application for the issuance or renewal of a High Seas Fishing Vessel Permit - \$30.00
2. License for a High Seas Fishing Vessel Permit - \$3,000.00
3. Application for the issuance or renewal of a Foreign fishing vessel licence - \$50.00
4. Application for the issuance or renewal of a Locally based foreign fishing vessel licence - \$20.00

5. Fishing license category and licensing fee for Locally based foreign vessels and Foreign fishing vessels

Fishing category	Component 1: Upfront access fee	Component 2: Value of catch charge	Component 3: Observer fee
Tuna Longline (for all vessel sizes in GRT)	US\$14,000	5% of the catch value (for every fishing trip)	TOP60 (83.3% to the observer and 16.7% to the government)

Locally based foreign vessels and foreign fishing vessels of all sizes in GRT that are licensed to fish in Tonga's EEZ must land their catches 100% in Tonga authorized ports. Exports of fish landed or offloaded from foreign fishing vessel are exempted from export resource rent charge.

Appendix 5: Licensing Procedure & Process

