

## ***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, catch<sup>1</sup> and observer on board, the vessel, in the format specified hereunder, and in the manner as follows:

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<sup>1</sup> The term "catch" covers target and non-targeted species.

- (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:
- (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, transshipping or landing in whole or in part, any of the following sharks listed below shall be prohibited:

<b>Common Name</b>	<b>Scientific name</b>
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 the 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
- (ix) 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
- (ix) 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