



South Pacific Regional Fisheries Management Organisation

**1st Meeting of the Compliance and Technical Committee,
Manta, Ecuador: 27 - 31 January 2014**

CTC-01-05 (supplementary I)

Application for Cooperating non-Contracting Party Status by Liberia



Office of
Deputy Commissioner
of Maritime Affairs

THE REPUBLIC OF LIBERIA

LIBERIA MARITIME AUTHORITY

CTC-01-05_supp1

8619 Westwood Center Drive
Suite 300
Vienna, Virginia 22182, USA
Tel: +1 703 790 3434
Fax: +1 703 790 5655
Email: investigations@liser.com
Web: www.liser.com

November 25, 2013

Dr. Robin Allen
Acting Executive Secretary
SPRFMO Secretariat
P.O. Box 3797
Wellington 6140
New Zealand

RE: COOPERATING NON-CONTRACTING PARTY STATUS

Dear Dr. Allen:

This is in furtherance to the exchange of communication between you and the undersigned dated 11/11/2013 in which you were notified of Liberia's intention to become a CNCP. We also submitted some requirements as part of Liberia's application for attaining CNCP status, which included the following items:

- 1) Liberia's reason for attaining CNCP status;
- 2) Liberia's explicit commitment to cooperate fully in the implementation of conservation and management measures adopted by the Commission;
- 3) Full data on historical fisheries, including nominal catches, number/type of vessels, etc.;
- 4) Relevant information as determined by the Commission.

With this letter, we are supplementing our previous submission with attachments covering the following:

- 5) Draft Liberian Marine Notice;
- 6) A spreadsheet identifying reefer vessels currently registered in Liberia that may engage in transshipment activities in the SPRFMO Convention; and
- 7) Attachment 2-1: Liberia's explicit commitment to cooperate fully in the implementation of conservation and management measures adopted by the Commission and to ensure that fishing vessels flying its flag and fishing in the Convention Area and, to the greatest extent possible, its nationals, comply with the provisions of the Convention and conservation and management measures adopted by the commission (Revised).

Liberia is prepared to provide all other data and information that members of the Commission are required to submit, once specified by the Commission after its forthcoming meeting. Liberia is also committed to accept high seas boarding and inspections in accordance with the Commission's procedures when adopted. If necessary, Liberia will consider entering into a separate Boarding and Inspections Memorandum of Understanding (MOU).

We appreciate your assistance with this matter. Kindly revert with your acknowledgement of this letter.



Sincerely,

Margaret Ansumana
Deputy Commissioner
Liberia Maritime Affairs

Encl./as stated

**SUPPLEMENTAL DOCUMENTATION FOR
REQUIREMENTS OF
SOUTH PACIFIC REGIONAL FISHERIES
MANAGEMENT ORGANIZATION (“SPRFMO”)**

**COOPERATING NON-CONTRACTING PARTY
STATUS**

(See Attachments)

ATTACHMENT 5

Draft Marine Notice (with Appendix) And Relevant Sections of the Liberia Fisheries Regulations (2010)

Pages 1-5: Table of Contents;
Pages 10-11: Part II (Fisheries Conservation and Management);
Pages 14-17: Part IV (Licenses and Authorizations);
Pages 24-25: Part V.35 (Requirements for Transshipment);
Pages 28-29: Part VII (Monitoring, Control, Surveillance, and
Compliance)



THE REPUBLIC OF LIBERIA
LIBERIA MARITIME AUTHORITY

Marine Notice

FMO-001
21 NOV 2013

Office of
Deputy Commissioner
of Maritime Affairs

TO: ALL SHIPOWNERS AND OPERATORS OF LIBERIAN-FLAGGED REEFER VESSELS

SUBJECT: Fish Transshipment / Illegal, Unreported, and Unregulated (IUU) Fishing Activities

Reference: (a) **South Pacific Regional Fisheries Management Organization ("SPRFMO")**
(b) **Liberia Maritime Law, Sections 11, 12, 13 and 51**
(c) **Liberia Maritime Regulation 1.13(2)**

PURPOSE:

This Notice advises those owners and operators of Liberian-flagged reefer vessels involved in or plan to be involved in the transshipment of certain fish stocks in and around South Pacific Ocean. Transshipment facilitates the laundering of 'pirate' fish, due to the inability of coastal and Flag State authorities to monitor how, by whom and where transferred fish is caught. Global losses due to Illegal, Unreported and Unregulated (IUU) or pirate fishing are estimated to be between \$10 billion and \$23.5 billion every year. Flag States are urged by Regional Fisheries Management Organizations (RFMOs) to discourage their reefer vessels from carrying out illegal transshipment.

APPLICABILITY:

This Notice applies to all Liberian-flagged reefer vessels engaging in or plan to engage in fish transshipment in and around South Pacific Ocean. Pursuant to the RFMOs' principles, members, including Contracting Parties (CPs) and Cooperating Non-Contracting Parties (CNCPS) are advised to:

- Authorize the use of fishing and reefer vessels flying their flags for activities only where they are able to exercise effectively their responsibilities in respect of such vessels;
- Ensure that only authorized fishing and reefer vessels flying their flags conduct fishing activities (including transshipment);
- Adopt measures to ensure long-term sustainability of highly migratory fish stocks in the Convention Areas and promote the objective of their optimum utilization; and
- Implement and enforce conservation and management measures (CMMs) through effective monitoring, control and surveillance.
-

DESCRIPTION:

A. Transshipment

Transshipment is the transfer of consignments from a fishing vessel to another vessel, generally a refrigerated cargo ship, or reefer. This transfer can either take place in ports or at sea. Transshipments at sea are sometimes legally authorized, but in many instances, they are carried out without permission. Transshipments at sea are a key cause of the lack of transparency in global fisheries that enables illegal, unreported and unregulated (IUU) fishing.

B. IUU Fishing Activities

IUU fishing is the term used to describe fishing activity which contravenes national or international agreements and management measures. RFMOs, in their efforts to combat illegal fishing, review information provided by their member states on activities of fishing and reefer vessels that could potentially undermine the effectiveness of their CMMs. Vessels are presumed to have carried out IUU fishing activities when those vessels:

- Harvest protected fish stocks in a given Convention Area and are neither registered nor authorized to fish in that area;
- Do not record or report their catches in accordance with reporting requirements, or deliberately make false reports;
- Engage in fishing, including transshipment, contrary to CMMs; and
- Fish and or transship without a license.

C. IUU Vessels List

Vessels that are confirmed to have conducted one or more of the above activities are listed on a draft "IUU Vessels List" which is then transmitted to CPs and CNCPs whose vessels are included on the list. The listed vessels are given the opportunity to transmit comments, including evidence showing that the listed vessels have neither fished nor engaged in transshipment activities within a Convention Area. The Flag State has the responsibility to notify the owner of the vessels of their inclusion on the List and of the consequences that may result. Some probable actions against vessels presumed to have engaged in IUU activities, include:

- Withdrawal or suspension of licenses;
- Prohibition of port access;
- Confiscation of catch;
- Refusal to grant a flag;
- De-flagging of vessel; and
- Prohibition of importation, exportation and re-exportation of fishery products.

D. Deletion from IUU Vessels List

A vessel may be removed from an IUU Vessels List if the vessel's Flag State demonstrates that:

- The vessel did not engage in any IUU fishing activities; or

- Effective action has been taken in response to the IUU fishing activities in question, including, prosecution, and imposition of sanctions of adequate severity;
- It has adopted measures that will ensure that the vessel complies with all; and
- It will be able to assume effectively its responsibilities regarding the monitoring and control of the vessel's fishing activities in the Convention Area.

REQUIREMENTS:

The RFMOs require that their members take the necessary measures to ensure that fishing or reefer vessels flying their flag comply with certain requirements when fishing or engaging in transshipment activities. Below are some requirements that are applicable to Liberian-flagged reefer vessels:

1.0 Conservation and Management Measures (CMMs)

Contracting and Non-Contracting Parties are required to implement CMMs adopted by the RFMOs, including, but not limited to measures:

- (a) To ensure the long-term sustainability of fishery resources and promote the objective of their responsible utilization;
- (b) As applicable, to prevent or eliminate over fishing and excess fishing capacity to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;
- (c) To maintain or restore populations of non-target and associated or dependent species to above levels at which their reproduction may become seriously threatened; and
- (d) To protect the habitats and marine ecosystems in which fishery resources and non-target and associated or dependent species occur from the impacts of fishing. This would include measures to prevent significant adverse impacts on vulnerable marine ecosystems and precautionary measures where it cannot adequately be determined whether vulnerable marine ecosystems are present.

2.0 Data Collection, Compilation and Exchange

Contracting and Non-Contracting Parties are required to enhance the information base for the conservation and management of fishery resources, non-target and associated or dependent species and the protection of the marine ecosystems in which those resources occur. They are also required to contribute to the elimination or reduction of IUU fishing and its negative impact on those resources. The RFMOs have developed standards which include:

- (a) Collection, verification and timely reporting of all relevant data by their members;
- (b) Compilation and management of accurate and complete data to facilitate effective stock assessment and ensure that the provision of the best scientific advice is enabled;
- (c) Security of, access to and dissemination of data while maintaining confidentiality where appropriate;
- (d) Exchange of data among members, and with other RFMOs, and other relevant organizations including data concerning vessels engaged in IUU fishing, catch documentation, and trade tracking schemes.

3.0 Flag State Duties to be Implemented by Liberia in SPRFMO Convention Area

Members of various RFMOs are required to take all necessary measures to ensure that fishing and or reefer vessels flying their flag:

- (a) Comply with the provisions of their Conventions and the CMMs adopted, and that such vessels do not engage in any activity which undermines the effectiveness of such measures;
- (b) Do not conduct unauthorized fishing within waters under national jurisdiction adjacent to the Convention Areas;
- (c) Carry and operate equipment sufficient to comply with vessel monitoring system standards and procedures;
- (d) Land or transship fishery resources caught in the Convention Areas in accordance with standards and procedures;
- (e) Investigate immediately and report on actions taken in response to any alleged violation by fishing and or reefer vessels flying their flags of the provisions of the Conventions or any CMM; and
- (f) Ensure that penalties applicable for such violations are of an appropriate severity, taking into account relevant factors including the value of the catch, to secure compliance, discourage further violations and deprive offenders of the benefits accruing from their illegal activities.

4.0 Transshipment Licenses - Authorization

Flag states are encouraged to ensure that all their fishing, transport and support vessels involved in transshipment at sea have obtained a prior authorization or a transshipment license issued by the Flag State and to report to the RFMOs or other designated institution the required information about operations.¹

The Liberian Registry will issue transshipment licenses authorizing Liberian-flagged reefer vessels that will participate in transshipment activities in the SPRFMO Convention Area.

5.0 Monitoring, Compliance and Enforcement

It is the duty of States, in accordance with international law, to ensure compliance with and enforcement of both national and CMMs and to establish effective mechanisms to monitor and control the activities of fishing and reefer vessels in domestic waters and on the high seas. The RFMOs have established appropriate cooperative procedures for effective monitoring, control and surveillance of fishing and transshipment and to ensure compliance with their Conventions and CMMs:

- The establishment and maintenance of record of vessels authorized to fish in the Convention Area;
- The marking of vessels and fishing gear, the recording of fishing activities, and the reporting of vessel movements and activities by a satellite vessel monitoring system;
- An inspection program, both at sea and in port, including procedures to board and inspect vessels in the Convention Area;

¹ See Appendix: Liberian Reefer Vessels' Transshipment Data.

- Regulation and supervision of transshipment;
- Reporting on violations detected, progress and outcomes of investigations, and enforcement actions taken; and
- Addressing IUU fishing activities, including identification of vessels engaging in IUU fishing activities, and adopting appropriate measures to prevent, deter and eliminate IUU fishing, such as the development of an “IUU Vessels List.”

** * **

DRAFT

[illegible]

[illegible]



**REGULATIONS RELATING TO FISHERIES,
FISHING AND RELATED ACTIVITIES
FOR THE MARINE FISHERIES SECTOR
IN THE REPUBLIC OF LIBERIA**



**MINISTRY OF AGRICULTURE
MONROVIA, LIBERIA
NOVEMBER 24, 2010**

Fisheries Regulations 2010

A new regulation for the Marine Fisheries Sector in the Republic of Liberia

MINISTRY OF AGRICULTURE BUREAU OF FISHERIES

REGULATIONS RELATING TO FISHERIES/ FISHING AND RELATED ACTIVITIES

Regulations made by the Minister of Agriculture in the exercise of the powers conferred upon the office by section 105 of Chapter 4, Subchapter C of Title 24 of the Laws of The Republic of Liberia (the Natural Resources Law, 1958) and approved as required by such Law and having effect from this 1st day of October A.D. 2010.

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY

1. Definitions
2. Application of Regulations

PART II FISHERIES CONSERVATION AND MANAGEMENT

3. Principles for fisheries management
4. Conservation and management measures
5. Fisheries Management Plans
6. Inshore exclusion zone
7. Illegal fishing gear and methods
8. Interfering with fishing gear
9. Prohibition on leaving or abandoning objects in the sea

PART III REQUIREMENTS FOR FISHING AND OPERATING FISHING VESSELS

10. Compliance with these Regulations and applicable license or authorization
11. Unlicensed activities prohibited
12. Stowage of fishing gear
13. Fishing vessels entering or exiting the Fisheries Waters

PART IV LICENSES AND AUTHORIZATIONS - REQUIREMENTS AND PROCEDURES

14. Licenses and authorizations required
15. Grant, renewal and issuance of licenses and authorizations
16. Standards for approval or renewal of licenses and authorizations
17. Preconditions for license issuance to foreign fishing vessels
18. Preconditions for license issuance to industrial fishing vessels

19. Requirements for denial of licenses or authorizations
20. Application for the grant or renewal of licenses or authorizations
21. Terms and conditions of licenses and authorizations
22. Period of validity
23. Fees, charges or levies
24. Suspension or cancellation of license or authorization
25. Termination of licenses and authorizations
26. Appeal
27. Register of licenses

PART V
CONDITIONS AND REQUIREMENTS FOR FISHING, TRANSSHIPMENT
AND THE USE OF PORTS

28. Conditions for fishing
29. Conditions for industrial fishing
30. Reporting requirements for industrial fishing vessels
31. Conditions for semi-industrial vessels
32. Reporting requirements for semi-industrial vessels
33. Transfer of Semi-industrial or Industrial Fishing Licenses
34. Conditions for artisanal fishing vessels
35. Requirements for transshipment
36. Deployment and maintenance of a fish aggregating device
37. Prior information and authorization required for use of a port by a foreign fishing vessel
38. Denial of the use of port to a foreign fishing vessel
39. Inspection of foreign fishing vessels in port

PART VI
INFORMATION, RECORDS, RETURNS, REGISTERS

40. Information given under these Regulations
41. Ownership of information
42. Records, Returns and Other Information
43. Registers to be maintained by the Bureau

PART VII
MONITORING, CONTROL, SURVEILLANCE AND COMPLIANCE

44. Monitoring, control and surveillance responsibility and functions
45. Fisheries Inspectors – authority and powers
46. Appointment of fisheries inspectors
47. Powers of fisheries inspectors
48. Observers – functions and authority
49. Appointment of observers
50. Duties of observers
51. Financial responsibility of licensees for observers
52. Notice of intention to place observers

- 53. Duties of licensee, etc. to observers
- 54. Duties of master, crew, to fisheries inspectors and observers
- 55. Vessel Monitoring System
- 56. Abandoned vessel, gear, fish or fish products
- 57. Immunity of fisheries inspectors and observers

PART VIII

OFFENCES AND PENALTIES AND REPEAL OF REGULATIONS

- 58. Offences and penalties
- 59. Arrest or detention and release of foreign fishing vessels, crew members
- 60. Continuing offence
- 61. Costs incurred by state
- 62. Banning order
- 63. Default for non-payment
- 64. Liability for non-payment of pecuniary penalties
- 65. Liability for loss or damage
- 66. Civil liability of officers of companies
- 67. Liability of operators
- 68. Repeal of previous Regulations

SCHEDULE 1	REQUIREMENTS FOR PERFORMANCE BONDS
SCHEDULE 2	LICENSE APPLICATION FORM
SCHEDULE 3	FEES FOR LICENSES ISSUED PURSUANT TO THESE REGULATIONS
SCHEDULE 4	MARKING OF FISHING VESSELS
SCHEDULE 5	MARKING OF FISHING GEAR
SCHEDULE 6	REQUIREMENTS FOR TRAWLING GEAR
SCHEDULE 7	INFORMATION TO BE PROVIDED IN ADVANCE BY VESSELS REQUESTING PORT ENTRY
SCHEDULE 8	PROCEDURES FOR INSPECTION OF FISHING VESSELS IN PORT
SCHEDULE 9	REPORT OF THE RESULTS OF THE INSPECTION AT PORT

- 1) These Regulations, unless the contrary intention appears, apply to:
 - a. all areas over which the Republic of Liberia exercises jurisdiction or sovereign rights;
 - b. all fishing and related activities, utilisation of fish and genetic material derived from them and any other activity or matter falling within the scope of these Regulations;
 - c. all persons, vessels, vehicles, aircraft, export facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of these Regulations;
 - d. all persons (including non citizens), and all vessels (including foreign vessels) in and in relation to:
 - i. the Fisheries Waters; and
 - ii. areas beyond national jurisdiction:
 1. following hot pursuit initiated in the Fisheries Waters and conducted in accordance with international law; or
 2. as required pursuant to these Regulations or international conservation and management measures, or permitted by international law or any international agreement; and
 - e. all Liberian fishing vessels and all persons on them or dealing with or having any relevant relationship to them or persons on them, in and in relation to any areas within or beyond national jurisdiction in so far as this is not in conflict with the jurisdiction of another State.
- 2) A fishing vessel is deemed not to be a Liberian fishing vessel if it is registered in a country other than Liberia instead of or in addition to being registered in Liberia.
- 3) These Regulations have extraterritorial application according to their provisions and tenor.

PART II

FISHERIES CONSERVATION AND MANGEMENT

3. Principles for fisheries management

The Bureau shall evaluate which types of management measures are necessary to ensure sustainable management of fisheries, and shall attach importance to the following principles:

- a. a precautionary approach, in accordance with international agreements and guidelines;
- b. an ecosystem approach that takes into account habitats and biodiversity;
- c. effective control of harvesting and other forms of utilisation of resources;
- d. appropriate allocation of resources, which among other things can help to ensure employment and develop the fisheries sector of the Republic of Liberia;
- e. optimal utilisation of resources, adapted to marine value creation, markets and industries; and
- f. ensuring that harvesting methods and the way gear is used take into account the need to reduce possible negative impacts on living marine resources.

4. Conservation and management measures

- 1) In giving effect to its responsibilities for fisheries conservation and management pursuant to these Regulations, the Bureau shall develop, recommend to the Minister, **implement, monitor and enforce conservation and management measures necessary to ensure the long-term sustainable use of fisheries resources in accordance with the principles for fisheries management** set out in Section 3 of these Regulations.
- 2) The Minister shall determine the conservation and management measures taking into account the recommendations of the Bureau. Such measures may include the total allowable catch and/or total applied effort to be allocated in any year to any fisheries sub-sector and the means of implementation of such measures, including by:

- a. the granting of fishing rights to artisanal fishers;
 - b. determining quotas in accordance with these Regulations;
 - c. applying such other measures, rules and standards that may be approved by the Minister and published by the Bureau.
- 3) The Minister may require fishing rights to be granted as a prerequisite for license issuance for artisanal fisheries, in accordance with such requirements as may be prescribed, and may determine the use of a particular type of vessel or gear, or area of fishing, to which a right may be subject. The period of a fishing right shall not exceed 15 years, after which it shall automatically terminate and revert back to the State to be reallocated in accordance with relevant Laws and Regulations.
- 4) The Minister may determine national, group and vessel quotas as follows:
 - a. national quotas shall be determined for a specific period of time and may consist of the maximum permitted quantities of fish that may be harvested, expressed in terms of weight, volume, number or types of fish that may be harvested, expressed in terms of weight, volume, number of individuals, the number of days harvesting or other terms;
 - b. group quotas shall be determined for a specific period of time and may consist of the maximum permitted harvest for each vessel group, gear group or other defined group;
 - c. quotas for individual vessels may be expressed in terms of weight, volume, number of individuals, the number of days harvesting is permitted, or in other terms.
 - d. quotas for research may be allocated to research institutions.
- 5) Conservation and management measures shall be developed, to the extent possible, taking into account consultations with stakeholders, and may be implemented *inter alia* through Fisheries Management Plans, Regulations, public notice, in writing, or otherwise as provided in these Regulations.

5. Fisheries Management Plans

- 1) The Coordinator may cause to be drawn up Fisheries Management Plans for any fishery or area in the Fisheries Waters and shall ensure consultation with relevant stakeholders in the development of each Plan.
- 2) A Fisheries Management Plan may apply to all persons, all vessels and all fishing and related activities.
- 3) Each Fisheries Management Plan shall be consistent with the principles of these Regulations and shall:
 - a. identify the characteristics of the fisheries resource(s) and the area, including as appropriate the
 - ii. current status of the fisheries and the resource;
 - iii. current state of exploitation;
 - iv. relevant traditional artisanal fishing methods and practices;
 - v. boundaries of any relevant area; and
 - vi. relevant regional and international context;
 - b. identify the management objectives and strategy for the fishery;
 - c. as appropriate, identify development strategies for the fishery;

The operator of each fishing vessel entering or exiting the Fisheries Waters shall declare the type and quantity of fish on board by email, High Frequency Radio or facsimile to the Bureau of National Fisheries at least twenty-four (24) hours prior to each entry and exit.

PART IV

LICENSES AND AUTHORIZATIONS - REQUIREMENTS AND PROCEDURES

14. Licenses and authorizations required

- 1) A valid and applicable license issued under the authority of the Bureau shall be required for:
 - a. using a fishing vessel for industrial fishing or related activities in the Fisheries Waters;
 - b. using a fishing vessel for semi-industrial fishing or related activities in the Fisheries Waters
 - c. using a vessel for artisanal fishing in the Fisheries Waters;
 - d. using any vessel for research fishing in the Fisheries Waters; and
 - e. such other activities for which a license is required by an applicable Fisheries Management Plan or as may be prescribed from time to time.
- 2) A valid and applicable written authorization issued by the Bureau shall be required for:
 - a. each transshipment to or from a Liberian fishing vessel in the Fisheries Waters or on the high seas;
 - b. each transshipment to or from a foreign fishing vessel in the Fisheries Waters;
 - c. deployment and maintenance of a fish aggregating device; and
 - d. using a foreign fishing vessel to enter a Liberian port.
- 3) For the purposes of this section and notwithstanding any other provision of these Regulations, the Minister may, in a Fisheries Management Plan or by Notice, declare any activity within the scope of these Regulations to be subject to a license or authorization.

15. Grant, renewal and issuance of licenses and authorizations

- 1) The Coordinator may grant or renew licenses or authorizations for any purposes specified in section 14 of these Regulations or which may be required under any applicable Fisheries Management Plan or international agreement.
- 2) The Coordinator shall, in granting or renewing a license under subsection (1), act in accordance with the procedures required pursuant to these Regulations and such other transparent and accountable standards as may be determined and published.
- 3) The Coordinator shall promptly issue such licenses or authorizations when all required conditions under these Regulations have been met.
- 4) Where the Coordinator declines to issue or renew a license or authorization, she/he shall state in writing reasons for the decision, and promptly transmit them to the applicant.

16. Standards for approval or renewal of licenses and authorizations

- 1) In approving or renewing licenses and authorizations pursuant to these Regulations, and in setting the level of any performance bond required under section 17(1), the Coordinator shall take into account the extent to which the relevant vessel, including its operator or other relevant person, as appropriate, has:

- a. the ability to comply with or has complied with these Regulations, relevant laws of the Republic of Liberia and any applicable licensing terms and conditions, Fisheries Management Plan or international agreement, and such other standards as may be required in writing by the Coordinator;
 - b. the ability to comply with or has complied with other applicable regional and international obligations;
 - c. complied with all applicable vessel registration requirements;
 - d. provided all required data and information;
 - e. in the case of an operator or person, complied with applicable laws of other States and international conservation and management measures; and
 - f. complied with the requirements of the Maritime Law, Title 21 of the Laws of the Republic of Liberia.
- 2) In approving or renewing licenses and authorizations in respect of any foreign fishing vessel pursuant to these Regulations, and in setting the level of any performance bond required under section 17(1), the Coordinator shall take into account the ability of the relevant flag State to ensure compliance by its fishing vessels with the laws of coastal States and international conservation and management measures.

17. Preconditions for license issuance to foreign fishing vessels

- 1) The Coordinator may require as a precondition of issuing a license to any foreign fishing vessel that a performance bond be provided by the applicant in accordance with section 1 of Schedule 1 as a financial guarantee for the fulfilment of all obligations arising out of the license and these Regulations, including potential costs relating to rescue, other cost recovery and fines, penalties or compensation for violations against these Regulations. Such performance bonds shall be drawn upon in accordance with section 2 of Schedule 1.
- 2) A fishing license shall not be issued to a foreign fishing vessel unless an agent has been appointed for that vessel in accordance with subsection (3) for the purpose of receiving and responding to any legal process relating to the foreign fishing vessel, its owner, operator, master and/or crew.
- 3) An agent appointed pursuant to subsection (2) shall be a Liberian citizen or a non-citizen who has resided continuously within Liberia for a period not less than five (5) years immediately prior to the appointment and who does not have a criminal record.

18. Preconditions for license issuance to semi-industrial and industrial fishing vessels

A semi-industrial or industrial fishing license may be approved but shall not be issued or have legal force or effect unless the relevant vessel submits to a pre-fishing inspection at the port of Monrovia and it is established in writing by a fisheries inspector that all required license conditions have been met, including that all gear on board is authorized pursuant to the approved license.

19. Requirements for denial of licenses or authorizations

- 1) A license or authorization shall not be issued where:
 - a. the relevant vessel is not intended for use as a fishing vessel;
 - b. the relevant vessel does not hold a valid and applicable registration, or holds more than one registration;
 - c. the relevant vessel is a foreign vessel and does not have a valid and applicable authorization or license to fish in areas beyond national jurisdiction;
 - d. the issuance of a license would be contrary to any applicable Fisheries Management Plan;

- e. within the previous six (6) years, the applicant, or a vessel or person associated with the applicant, has been convicted of an offence pursuant to these Regulations or any international agreement;
 - f. the applicant, vessel, or associated person has been charged with an offence pursuant to these Regulations more than three times and has:
 - i. not submitted to judicial or administrative procedures; or,
 - ii. has submitted to judicial or administrative procedures but has not fully complied with the final decision or determination;
 - g. the issuance of the license would be inconsistent with an international agreement;
 - h. the fishing vessel is a foreign fishing vessel and has not met requirements for provision of a performance bond or appointment of an agent required under section 17(1);
 - i. the activity is likely to threaten the sustainability of a fishery resource;
 - j. in the case of a foreign fishing vessel, an agent has not been appointed; or
 - k. a vessel has been included on a list of illegal, unreported and unregulated fishing vessels established and maintained by a competent regional fishery body in accordance with its rules and procedures.
- 2) A license or authorization shall not be issued to or renewed for any fishing vessel if that vessel was previously licensed or authorized by a foreign State for fishing within or beyond areas of national jurisdiction and was convicted of a violation under national law or undermined the effectiveness of international conservation and management measures, and, as a consequence:
- a. the foreign State suspended such license or authorization, and the suspension has not expired; or
 - b. the foreign State, within the last three years preceding the application for a license under this Section, withdrew such license or authorization.
- 3) The restriction in subsection (2) does not apply if the ownership of the vessel has changed since the vessel undermined international conservation and management measures, and the new owner has provided sufficient evidence to the Bureau demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in the vessel.
- 4) For the purpose of subsection (1)(e) the term 'associated' shall include situations where the same legal or beneficial owner, or agent is shared.

20. Application for the grant or renewal of licenses or authorizations

- 1) Except where otherwise prescribed, an application for a license or authorization under these Regulations shall:
- a. contain such information as may be required in these Regulations or in writing by the Coordinator or as may be prescribed by regulations;
 - b. be in the relevant form set out in Schedule 2 or such other form as may be approved by the Minister;
 - c. in the case of an industrial fishing vessel, be accompanied by a fishing plan which shall specify for each month of the full period of validity of a licence or authorization, a fishing plan including the:
 - i. fishing gear to be used;
 - ii. species to be targeted for fishing, and expected quantity;
 - iii. species that will constitute by catch and expected quantity; and
 - iv. area in which fishing or related activities will take place;
 - d. be accompanied by such application fee as may be prescribed or required by the Bureau in writing by public notice; and

- e. be made in accordance with such procedures and other requirements as may be approved by the Coordinator.
- 2) A non-refundable application fee shall be payable and shall accompany every application for a license or authorization required pursuant to these Regulations or the renewal of such license or authorization.
- 3) Where:
- a. the Coordinator considers that an application has been made for an inappropriate class of license;
 - b. there is insufficient evidence or information accompanying the application upon which to make a recommendation regarding the application;
 - c. the information accompanying the application appears to be false, misleading or inaccurate; or
 - d. upon such other grounds as may be approved by the Minister,
- the Coordinator shall return the application to the applicant with details of her/his reasons for returning the application, and the applicant may submit a revised application with such additional evidence or information as may be appropriate.
- 4) If the information on an application is found to be false, misleading or inaccurate the Coordinator may decline to grant the license or authorization, or if such information is discovered to be false, misleading or inaccurate after the grant of the license or authorization, the Coordinator may suspend or cancel the license or authorization.

21. Terms and conditions of licenses and authorizations

- 1) A license granted under these Regulations:
- a. shall be subject to the terms and conditions, requirements and endorsements as are provided in these Regulations or as may be otherwise prescribed or required by the Coordinator from time to time;
 - b. subject to subsection (2), enters into force on the date specified in it;
 - c. unless sooner revoked or suspended in accordance with these Regulations, remains in force until the date on which it expires in accordance with the period approved by the Coordinator from time to time for the class of license or authorization to which it belongs; and
 - d. may be subject to a performance bond issued in accordance with section 17(1).
- 2) No license or authorization shall be issued unless:
- a. the approved fee and other required charges have been paid at the required time; and
 - b. where applicable:
 - ii. a performance bond has been issued and notified to the Coordinator; and
 - iii. any access fee and/or other charges payable under any relevant access agreement have been paid.
- 3) The holder of a license or authorization issued under these Regulations shall:
- a. comply with these Regulations, the laws of the Republic of Liberia, any applicable access agreement, Fisheries Management Plan, and international conservation and management measures;
 - b. comply with all relevant provisions of national law relating to navigational standards and the safety of vessels at sea; and
 - c. not engage in fishing or related activities except as stated in the license or authorization.

- (iii) the species of fish returned from the vessel to the sea, the reason for the discard, the quantity of each species by weight or number;
- b. the place of landing or transshipment;
- c. such other information as may be prescribed or as the Coordinator may require; and
- d. certifying that information provided pursuant to sub-paragraphs (a), (b) and (c) are true.

33. Transfer of Semi-industrial and Industrial Fishing Licenses

A semi-industrial or industrial fishing license shall:

- a. be issued to a specific fishing vessel;
- b. be personal to the holder of that license; and
- c. not be transferred to another person or vessel except with the written approval of the Coordinator, and subject to the conditions determined by the Coordinator, including the payment of such fees as may be prescribed or required in writing by the Coordinator.

34. Conditions for artisanal fishing vessels

- 1) Every artisanal fishing vessel shall be marked with a registration number and such other identification markings as may be prescribed or required in writing by the Coordinator.
- 2) On receipt of an application for registration of an artisanal fishing vessel made under these Regulations, the Coordinator, shall as soon as practicable, cause the vessel to which the application refers to be inspected and if, upon such inspection, the vessel is found to be fit for fishing and meets the prescribed safety standards, the Coordinator shall assign identification markings to the vessel and on payment by the applicant of the prescribed registration fee, issue to the owner of the vessel a certificate of registration.
- 3) The Coordinator may:
 - a. determine from time to time the total number artisanal fishing vessels to be licensed and may refuse to license additional artisanal fishing vessels once this number has been met; and
 - b. specify conditions of licensing for an artisanal vessel relating to the area in which it is permitted to fish and the use of its fishing gear.

35. Requirements for transshipment

- 1) The operator of a fishing vessel intending to engage in, or engaging in transshipment shall:
 - a. only transship:
 - (i) at the port of Monrovia or such other port or prescribed area in the Republic of Liberia that may be designated by the Coordinator;
 - (ii) at the time authorized for transshipment; and
 - (iii) pursuant to a valid and applicable authorization issued pursuant to these Regulations and on such terms and conditions that may be required by the Coordinator;
 - b. provide seventy-two (72) hours prior notice, or such other prior notice as may be prescribed or the Coordinator may require, to the Coordinator of a request to tranship any or all of the fish or fish products on board and provide the name of the vessel, its international radio call sign, its

position, the catch on board by species, the time and such other information that may be prescribed or required by the Coordinator;

- c. fulfil the revenue and finance laws of general applicability in the Republic of Liberia; and
 - d. submit full reports on transshipments on forms that may be prescribed or required by Coordinator in accordance with these Regulations.
- 2) The operator of a fishing vessel engaging in transshipment shall comply with such procedures as may be required by the Coordinator, including placement of a fisheries inspector or observer on board, to:
- a. obtain and verify data, including on the quantity and species transshipped; and
 - b. determine when transshipment has been completed,
- and such other procedures as may be prescribed or otherwise required by the Coordinator, or in the case of a Liberian fishing vessel outside areas of national jurisdiction, an applicable international agreement.
- 3) During transshipment in the Fisheries Waters the operator of each vessel shall comply with all applicable laws relating to protection of the marine environment.
- 4) Transshipments shall be subject to such further conditions as may be prescribed or otherwise required by the Coordinator or required in any applicable Fisheries Management Plan.

36. Deployment and maintenance of a fish aggregating device

- 1) No person shall deploy or maintain a fish aggregating device in the Fisheries Waters without receiving prior written authorization by the Coordinator.
- 2) The Coordinator shall issue authorizations for deployment and maintenance of a fish aggregating device in accordance with the principles for fisheries management in section 3 of these Regulations, and may decline to issue an authorization on that basis or attach such conditions as he thinks fit.

37. Prior information and authorization required for use of a port by a foreign fishing vessel

- 1) The operator of a foreign fishing vessel shall provide the Bureau with the information in Schedule 7 no later than twenty-four (24) hours before the estimated time of entry into any port in the Republic of Liberia.
- 2) After receiving the information required pursuant to subsection (1), as well as such other information the Coordinator may require to determine whether the vessel requesting entry into port has engaged in illegal, unreported and unregulated fishing or fishing related activities in support of illegal, unreported and unregulated fishing, the Coordinator shall decide whether to authorize or deny the entry of the foreign fishing vessel into its port and shall communicate this decision to the vessel or to its representative.
- 3) The operator of a foreign fishing vessel shall not use a port in the Republic of Liberia for landing, transshipping, packaging or processing of fish or for other port services including, *inter alia*, refuelling and resupplying, maintenance and drydocking, unless a written authorization for the use of such port has been issued by the Coordinator.

ensure that any person that harvests, receives, transports, stores or processes fish or places them on the market documents the information needed to make it possible at all times to trace fish and other resources back to a catch registered on a landing or sales note:

- a. holders of licenses, permits, endorsements or other authorities or approvals issued or granted under these Regulations;
- b. owners, operators, representatives, agents, and masters of fishing vessels licensed under these Regulations;
- c. owners or operators of any fishing vessel required to be registered pursuant to these Regulations;
- d. owners and persons in charge of any premises where fish or fish products are received, bought, sold, stored, transported, processed or otherwise disposed of; and
- e. any other person who is carrying out activities under the scope of these Regulations.

43. Registers to be maintained by the Bureau

- 1) The Bureau shall maintain registers which shall record details of:
 - a. each license issued pursuant to these Regulations;
 - b. each authorization issued pursuant to these Regulations;
 - c. each fishing vessel registered pursuant to these Regulations; and
 - d. such other matters as may be prescribed or required by the Coordinator.
- 2) The Bureau shall permit members of the public to inspect the register required to be maintained pursuant to subsection (1) during office hours. The Bureau may charge a reasonable fee for copies of the register.

PART VII

MONITORING, CONTROL, SURVEILLANCE AND COMPLIANCE

44. Monitoring, control and surveillance responsibility and functions

- 1) The Bureau shall have primary responsibility for the monitoring, control and surveillance of all activities falling within the scope of these Regulations and international agreements, and its functions shall include, *inter alia*, to:
 - a. monitor activities that fall within the scope of these Regulations, including the provision of information and data;
 - b. carry out surveillance over activities falling within the scope of these Regulations; and
 - c. ensure compliance with these Regulations.
- 2) In discharging the functions and responsibilities of the Bureau, the Coordinator shall coordinate and collaborate with relevant Government Ministries and agencies, including:
 - a. the Liberian Coast Guard, pursuant to its mandate in section 4.3 of the *National Defense Act of 2008* to render assistance with the protection of marine resources, including fisheries;
 - b. the Bureau of Maritime Affairs;
 - c. the Liberian National Police;
 - d. the Ministry of Justice; and
 - e. Bureau of Immigrations and Naturalization (BIN).

45. Fisheries inspectors – authority and functions

- 1) Fisheries inspectors shall exercise monitoring, control, surveillance and compliance functions pursuant to these Regulations:
 - a. within areas under national jurisdiction; and
 - b. in relation to such other laws and international conservation and management measures beyond areas of national jurisdiction in accordance with any international agreement.
- 2) Where fisheries inspectors exercise functions pursuant to subsection (1)(b), the provisions of these Regulations are applicable as if the duties were performed in areas under national jurisdiction.
- 3) The following persons are deemed to be fisheries inspectors for the purposes of these Regulations:
 - a. the Coordinator;
 - b. public officers employed by the Bureau who are appointed in writing by the Coordinator as fisheries inspectors;
 - c. officers of the Bureau of Immigration and officers of the Liberian National Police of the rank of sergeant or above, with the approval of the Minister of Justice;
 - d. members of the Liberian Coast Guard, with the approval of the Minister of Defence.
- 4) The Coordinator, in consultation with the Minister may, in writing, based on such criteria as may be prescribed, authorise experienced foreign fisheries inspectors who have taken an oath to enforce these Regulations to exercise the rights and responsibilities of a fisheries inspector:
 - a. in the Fisheries Waters; or
 - b. on behalf of Liberian fisheries inspectors in areas beyond national jurisdiction,

in accordance with these Regulations and any applicable international agreement, and such inspectors shall have full legal status under these Regulations and the jurisdiction of the Republic of Liberia for the purposes of these Regulations.

46. Appointment of fisheries inspectors

- 1) In addition to Section 46(3) the Coordinator may, in writing, appoint any other trained and qualified person or category of persons as fisheries inspectors for the purposes of these Regulations, and such personnel shall exercise all powers and privileges accorded by these Regulations and as may be conferred on national police officers and members of the Liberian Coast Guard.
- 2) The Coordinator may limit the exercise of any powers and functions of a fisheries inspector to a specific area or period of time.

47. Powers of fisheries inspectors

- 1) The application of this section extends to all activities falling within the scope of these Regulations.
- 2) A fisheries inspector may, for purposes of monitoring, control, surveillance, enforcement and/or administration of these Regulations and activities that fall within its scope, without a warrant:
 - a. stop, board, enter, search and stay on board for purposes of exercising his or her powers under these Regulations:
 - i. any vessel in the Fisheries Waters which she/he has reason to believe has been used, is being used or is intended to be used for fishing or a related activity;
 - ii. any Liberian vessel outside the Fisheries Waters; or

ATTACHMENT 6

Spreadsheet Identifying Reefer Vessels Currently Registered in Liberia That May Engage in Transshipment Activities in the SPRFMO Convention Area

LIBERIAN-FLAGGED REEFER VESSELS

Vessel Name	Registration #	Radio Callsign	Flag State	IMO #	Master of Receiving Vessel	Master of Transshipping Vessel
<u>BALTIC MARINER</u>		ELWJ5	Liberia	7710903		
<u>BALTIC NOVATOR</u>		A8MP9	Liberia	8304529		
<u>BALTIC NAVIGATOR</u>		A8MP8	Liberia	8304531		
<u>ORANGE BLOSSOM</u>		ELEI6	Liberia	8407931		
<u>MATTERHORN</u>		A8EP2	Liberia	8504478		
<u>ZENIT</u>		A8OL5	Liberia	8700228		
<u>AVILA STAR</u>		A8KJ9	Liberia	8713550		
<u>AFRIC STAR</u>		A8KJ8	Liberia	8713562		
<u>FRIO OLYMPIC</u>		A8EJ6	Liberia	8801802		
<u>HANSA BREMEN</u>		ELWO6	Liberia	8802088		
<u>BALTIC SUMMER</u>		ELWR5	Liberia	8802090		
<u>ECUADOR STAR</u>		A8HP6	Liberia	8814299		
<u>BALTIC PRIDE</u>		ELWV4	Liberia	8819213		
<u>INDIAN REEFER</u>		A8UV3	Liberia	8819275		
<u>HONDURAS STAR</u>		A8HP5	Liberia	8906975		
<u>HUMBOLDT BAY</u>		A8OL4	Liberia	8907888		
<u>HIMALAYA BAY</u>		A8OL7	Liberia	8908193		
<u>HANSA LUEBECK</u>		ELUC5	Liberia	8909068		
<u>BALTIC SPRING</u>		ELUA3	Liberia	8909070		
<u>EVEREST BAY</u>		A8KZ3	Liberia	8911073		
<u>TRITON REEFER</u>		ELLM5	Liberia	8911102		
<u>FUJI BAY</u>		A8OL6	Liberia	8920141		
<u>PRINCE OF SEAS</u>		A8J15	Liberia	9014444		
<u>FRIO IONIAN</u>		ELPE2	Liberia	9014793		
<u>BUZZARD BAY</u>		A8JH8	Liberia	9016662		
<u>HAWK BAY</u>		A8JH9	Liberia	9016674		
<u>TAGANROGSKIY ZALIV</u>		A8UC4	Liberia	9016973		
<u>URUGUAY STAR</u>		A8HP7	Liberia	9017264		
<u>CHILE STAR</u>		A8HP4	Liberia	9017276		
<u>OURO DO BRASIL</u>		ELPP9	Liberia	9018646		
<u>SOL DO BRASIL</u>		ELQQ4	Liberia	9018658		
<u>ACONCAGUA BAY</u>		A8KY9	Liberia	9019652		
<u>EAGLE BAY</u>		D5BR9	Liberia	9038488		
<u>SEA PHOENIX</u>		A8NM8	Liberia	9045156		
<u>WATER PHOENIX</u>		A8OE3	Liberia	9045168		
<u>PACIFIC MERMAID</u>		A8JJ5	Liberia	9045924		

LIBERIAN-FLAGGED REEFER VESSELS

Vessel Name	Registration #	Radio Callsign	Flag State	IMO #	Master of Receiving Vessel	Master of Transshipping Vessel
<u>ATLANTIC MERMAID</u>		A8JJ3	Liberia	9045936		
<u>CORAL MERMAID</u>		A8JJ7	Liberia	9045948		
<u>TASMAN MERMAID</u>		A8JJ6	Liberia	9045950		
<u>LAGOON PHOENIX</u>		A8OE4	Liberia	9047245		
<u>BAY PHOENIX</u>		A8OE5	Liberia	9047271		
<u>CAPE BELLE</u>		ELWE4	Liberia	9051789		
<u>PRINCE OF SOUND</u>		A8OE6	Liberia	9053957		
<u>ORANGE WAVE</u>		ELPX7	Liberia	9057123		
<u>PRINCE OF TIDES</u>		A8JI4	Liberia	9061198		
<u>CARIBBEAN MERMAID</u>		A8JH5	Liberia	9064229		
<u>MEXICAN BAY</u>		A8JI9	Liberia	9064839		
<u>PRINCE OF WAVES</u>		A8JI3	Liberia	9066485		
<u>FORTUNA BAY</u>		A8JH6	Liberia	9067128		
<u>FALCON BAY</u>		A8JI2	Liberia	9070137		
<u>MARINE PHOENIX</u>		A8NM7	Liberia	9072824		
<u>PRINCE OF STREAM</u>		A8OE7	Liberia	9073268		
<u>TOLEDO CARRIER</u>		A8VE9	Liberia	9078476		
<u>SEVILLA CARRIER</u>		A8VF2	Liberia	9078488		
<u>EASTERN BAY</u>		A8IO9	Liberia	9143752		
<u>CARIBBEAN STAR</u>		A8KJ7	Liberia	9150810		
<u>COSTA RICAN STAR</u>		A8KK4	Liberia	9150822		
<u>SOUTHERN BAY</u>		A8IO7	Liberia	9152181		
<u>COMOROS STREAM</u>		A8IP4	Liberia	9167801		
<u>COTE D'IVOIRIAN STAR</u>		A8SL4	Liberia	9172478		
<u>COLOMBIAN STAR</u>		A8SL3	Liberia	9172480		
<u>TIMOR STREAM</u>		A8IN9	Liberia	9172947		
<u>ELSEBETH</u>		A8IO2	Liberia	9175901		
<u>ATLANTIC REEFER</u>		D5FE2	Liberia	9179256		
<u>PACIFIC REEFER</u>		D5FE3	Liberia	9179268		
<u>BALTIC HEATHER</u>		D5DK5	Liberia	9181144		
<u>BALTIC JASMINE</u>		D5CY5	Liberia	9181156		
<u>ESMERALDA</u>		A8IN8	Liberia	9181170		
<u>POLARLIGHT</u>		D5BR7	Liberia	9189873		
<u>POLARSTREAM</u>		D5BR6	Liberia	9189885		
<u>BALTIC HOLLYHOCK</u>		D5BX4	Liberia	9189902		
<u>SANTA LUCIA</u>		A8IP5	Liberia	9194921		

LIBERIAN-FLAGGED REEFER VESSELS

Vessel Name	Registration #	Radio Callsign	Flag State	IMO #	Master of Receiving Vessel	Master of Transshipping Vessel
<u>SANTA MARIA</u>		A8IN7	Liberia	9194957		
<u>EMERALD</u>		A8IP3	Liberia	9202857		
<u>ELVIRA</u>		A8IP2	Liberia	9202869		
<u>LOMBOK STRAIT</u>		A8IO3	Liberia	9204958		
<u>LUZON STRAIT</u>		A8IO4	Liberia	9204960		
<u>SOUTHAMPTON STAR</u>		A8OH2	Liberia	9206059		
<u>SOLENT STAR</u>		A8OG9	Liberia	9206061		
<u>ORANGE SKY</u>		ELZU2	Liberia	9228370		
<u>CARLOS FISCHER</u>		A8AC4	Liberia	9230995		
<u>PREMIUM DO BRASIL</u>		A8BL4	Liberia	9242089		
<u>ORANGE SUN</u>		A8HY8	Liberia	9342580		
<u>BALTIC KLIPPER</u>		A8VR5	Liberia	9454759		
<u>ORANGE STAR</u>		A8WP6	Liberia	9564384		