



South Georgia & the South Sandwich Islands

Office of the Commissioner
Government House,
Stanley,
Falkland Islands.

MACKEREL ICEFISH LICENSING INFORMATION FOR APPLICANTS FOR THE 2021/22 – 2022/23 FISHING SEASONS

1. Background

- 1.1 This document provides information for anyone applying for a licence to fish for mackerel icefish (*Champsocephalus gunnari*) in the South Georgia & the South Sandwich Islands Maritime Zone (SGSSI MZ) for the seasons 2021/22 to 2022/23 inclusive. It should be noted that it is unlawful to fish in this Maritime Zone without a licence or to breach any of the conditions attached to that licence.
- 1.2 The mackerel icefish fishery lies within the area covered by the Convention on the Conservation of Antarctic Marine Living Resources to which the United Kingdom is a contracting party. The implementation of CCAMLR is the responsibility of all of its contracting parties assisted by the CCAMLR Commission ('the Commission.'). The Government of South Georgia & the South Sandwich Islands (the 'Government') manages the fisheries in accordance with the United Kingdom's obligations under CCAMLR.
- 1.3 The Government's principal fisheries management objectives are to regulate fishing in its Maritime Zone so as to conserve fish stocks and other marine living resources, in line with Article II of the Convention, and to maintain safe and precautionary fisheries. As part of these objectives the Government is committed to sustainability as well as maintaining, and raising, the standards of management, research and operation in the fisheries.
- 1.4 The Government takes an ecosystem-based precautionary management approach to the fishery, underpinned by scientific research and robust monitoring and enforcement.
- 1.5 The Government's Director of Fisheries ('the Director') is the principal officer responsible for the fisheries, including the licensing functions. The Director may be contacted by email at dof@gov.gs.
- 1.6 The icefish fishery is certified by the Marine Stewardship Council and operates within Convention Subarea 48.3. The fishery is open from 1 December until 30 November each year.
- 1.7 The icefish fishery operates within a sustainable use Marine Protected Area (MPA) which was established in February 2012 and which was further enhanced in 2013 and 2019. (<https://www.gov.gs/environment/marine-protected-area/>).
- 1.8 The use and carriage of Heavy Fuel Oil (HFO) is prohibited throughout the entire SGSSI Maritime Zone. HFO legislation is published on the Government's website: www.gov.gs.
- 1.9 A management plan for the icefish fishery is available with this documentation. All applicants are advised to read the plan carefully as it provides further information relevant to the application process including management objectives and research priorities. The management plan will be reviewed at least biennially in line with CCAMLR stock assessments and advice. The Director takes the current management plan into account when regulating the fisheries. Applicants are advised to familiarise themselves with the law that regulates the fisheries.

- 1.10 The principal legislation is the Fisheries (Conservation and Management) Ordinance 2000 as amended ('FCMO'). The FCMO is published on the Government's website:
[https://www.gov.gs/docsarchive/Legislation/Fisheries%20\(Conservation%20and%20Management\)%20Ordinance%202000.pdf](https://www.gov.gs/docsarchive/Legislation/Fisheries%20(Conservation%20and%20Management)%20Ordinance%202000.pdf) .
- 1.11 Applicants are also advised to familiarise themselves with the Compliance and Enforcement framework documentation. This documentation has been developed for all fisheries operating within the SGSSI Maritime Zone.

2 Licences, Quota and Fees

- 2.1 Successful applicants will be offered a 2-year licence.
- 2.2 The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) sets the catch limits of mackerel icefish in Subarea 48.3. The CCAMLR management objective for the fishery is to limit removals to allow a minimum of 75% of the biennial survey estimated biomass to remain after 2 years' exploitation, in the absence of recruitment in the stock (the addition of juvenile fish to the population). The Government's management strategy is generally more precautionary than that which would be permitted by CCAMLR, with an 8,000 tonnes biennial survey biomass index reference limit, below which a fishery is not permitted. The biomass estimated from the most recent biennial survey is 22,047 tonnes (with a lower one-sided 5th percentile estimate of 13,279 tonnes).
- 2.3 CCAMLR has set a catch limit of 1,457 tonnes for the 2021/22 season and 1,708 tonnes for the 2022/23 season. Given the nature of the stock the catch limits set by CCAMLR for this two-year period are within the Government's biomass survey index reference limit. To avoid exceeding CCAMLR catch limits the Government expects to set a quota of 1,450 tonnes for the 2021/22 season and 1,700 tonnes for the 2022/23 season.
- 2.4 Fishing is restricted to South Georgia only and no fishing is permitted at Shag Rocks (West of 40° W)
- 2.5 For each of the 2021/22 and 2022/23 seasons the licence fee will consist of an access fee of £23,604 per month and a quota fee of £71 per tonne.

3. By-catch limits

- 3.1 By-catch limits for the 2021/22 and 2022/23 seasons are listed in CM 33-01 (1995) and CM 42-01 (2021).

4. Application and Licensing Procedure

- 4.1 The number of licences is dependent on the scientific advice received on quota and the management requirements of the fishery (see management plan). It is expected that for the 2021/22 and 2022/23 seasons the Government will make a maximum of three licences available, however this is not guaranteed.
- 4.2 The deadline for applications is **Friday 25 February 2022**. Applicants should note that the local time zone is GMT-3. **Applications received after this date will not be considered.**

- 4.3 No application will be considered from an applicant that owes money to the Government or to the UK Government; or where an Associate¹ of the applicant owes money to either Government.
- 4.4 Applications should be made by sending a completed application form (available from the Government web-site at www.gov.gs), together with the required supporting documentation, to the Director of Fisheries by email (dof@gov.gs). The application form and all supporting documentation must be submitted in English; any supporting documentation not originally in English must be accompanied by an accurate English translation.
- 4.5 Whilst every reasonable effort will be made to preserve the confidentiality of any application neither the Government nor any of its officers will accept any liability or responsibility for any information supplied by an applicant becoming known to a third party including a competitor. All information received from an applicant will be treated as commercially confidential unless it is already in the public domain.
- 4.6 The application process is in three stages:
- (i) Stage 1: All applications will be assessed for compliance with certain minimum standards. These are set out at **Annex A**. The purpose of these minimum standards is to establish a consistent operational baseline for all vessels in the fisheries, and in particular to ensure that appropriate standards of safety and compliance are met. The supporting documentation specified in Annex A must be submitted with the application. Applications which do not meet these minimum standards will be rejected.
 - (ii) Stage 2: All applications that meet the minimum standards will be assessed and scored against four criteria (compliance, welfare and safety, raising fishery standards, and experience) which underpin the management of the fishery. A maximum of 100 points may be awarded. Further details of these criteria can be found at **Annex B**. The Director may take other relevant information into account. Where more applications are received with respect to vessels that meet all the licensing criteria than there are licences that can be issued then the Director will favour applications that score more highly than others. This is subject nevertheless to any advice or direction that may be given to the Government and its Director in Stage 3.
 - (iii) Stage 3: In accordance with the requirements of FCMO, the Director will consult with the Secretary of State for Foreign Commonwealth and Development Affairs to establish whether there are any implications for UK foreign policy in connection with the proposed licensing of vessels. The Director is required to act in accordance with any advice received (see **Annex F**). Ordinarily, all communications between the Director and the Secretary of State are confidential.
- 4.7 Applicants should set out all the information that they wish the Director of Fisheries to consider in the appropriate section of the application form. All statements should be supported with appropriate documentary evidence, which should be provided with the application form.

¹ See **Annex C** for the meaning of this term – note the term encompasses ‘former entities’ that owed either GSGSSI or the UK Government £5k or more within the previous 10 years

- 4.8 Applicants must promptly provide such further information or other assistance as the Director of Fisheries may reasonably require in order to assess and score the application. In the absence of such further information or assistance the Director shall be entitled to disregard the application.
- 4.9 The Director of Fisheries reserves the right to give preference in the granting of licences to vessels that are flagged to the UK or to Crown Dependencies or to Overseas Territories of the UK (UKOTs).
- 4.10 The Government is committed to eliminating Illegal, Unreported and Unregulated² fishing (IUU fishing) in its waters and to maintaining an effective regime for detecting, deterring, investigating and prosecuting anyone engaged in IUU fishing.
- 4.11 All applicants should assume that, subject to a consideration of the relevant circumstances, including any mitigating circumstances, that the Director will not grant a licence in respect of any vessel:
- (i) which is found to have been involved, or to be involved, in IUU fishing;
 - (ii) where the applicants, owners, charterers or operators of the vessel, or any Associate³ of the applicants, owners, charterers or operators of the vessel, are found to have been involved, or to be involved, in IUU fishing; or
 - (iii) where the crew members or any Associate of the crew members are found to have been involved, or to be involved, in IUU fishing.
- 4.12 In ascertaining these matters the Director may have regard to the CCAMLR IUU vessel list, regional fisheries management organisation (RFMO) IUU lists, the UK's IUU vessel lists, those lists held by other flag states or the European Union, or to such other information as the Director deems appropriate.
- 4.13 All applicants are advised that where a licence has been granted with respect to a vessel and that it is subsequently determined that any of the conditions set out in paragraph 4.11 above are found to have applied either at the point of application or at any time thereafter, that the licence granted is liable to be suspended and/or revoked.
- 4.14 If the Government, or the UK Government, is owed money by a debtor in connection with any fishery (including, but not limited to, unpaid quota/access fees, unpaid penalties and/or fines, and unpaid damages or costs awarded by a Court or arbitral tribunal), this is likely:
- (i) to preclude the offer of a licence in respect of a vessel which is or which will be when in the Maritime Zone owned, chartered or operated whether solely or jointly by the debtor or by any Associate thereof; and
 - (ii) to result in the suspension and/or revocation of any licence that has been granted.

² See **Annex C** for the meaning of these terms.

³ See **Annex C** for the meaning of these terms.

4.15 The Government intends to notify applicants of the outcome of the application process by Monday 14 March 2022.

5. Licence Conditions & Pre-season Licensing Inspection

5.1 Every licence is subject to a number of common conditions. These are set out in **Annex D**.

5.2 All vessels in respect of which licences have been granted must report to the Government Officer at King Edward Point (KEP) or such other location as may be specified in the Director's absolute discretion, to submit to a pre-season licensing inspection. The purpose of the inspection is to enable the Government to be satisfied that the vessel conforms to the specification set out in the licence application and complies with relevant CCAMLR Conservation Measures and other conditions of licence so far as they apply as that time.

5.3 A vessel that fails the licensing inspection is not permitted to commence fishing activity until, in the opinion of the Government, the grounds upon which it failed the inspection have been remedied.

5.4 Licence conditions must be complied with continuously and throughout the entire season. A breach of licence conditions may lead to:

- (i) the suspension and/or revocation of a licence;
- (ii) the imposition of an administrative penalty; and/or,
- (iii) the institution of criminal and/or civil proceedings.

5.5 **Annex E** sets out the Government's Compliance and Enforcement framework for icefish fishery licensing and operation.

6. Prohibitions regarding transfers of licences or quota etc

6.1 Licences are granted to vessels. Licence holders cannot transfer any unused quota from one vessel to another, or a licence from one vessel to another.

6.2 If, for any reason, a licensed vessel is unable catch all of the quota allocated to it in a season, the Director has the right to reallocate any, all or none of the otherwise unused quota to another vessel or vessels for the remainder of the season.

7. Payment Terms

7.1 Quota fees for 2021/22 are payable on or before 30 April 2022. Quota fees for 2022/23 are payable on or before 30 November 2022. Access fees will be payable at least seven days before the intended start of fishing.

7.2 If the fees due have not been received by the Government then the licenced vessel will not be allowed or authorised to catch any fish in the Maritime Zone until payment has been received in full. Applicants should also note that any delay in paying fees due may lead to the suspension or revocation of the licence.

- 7.3 Fees will not be refunded once they have been paid. Quota is not transferable between vessels.

**Director of Fisheries
Government of South Georgia & the South Sandwich Islands
02 February 2022**

**ANNEX A
MINIMUM STANDARDS**

In order to be considered for a licence the following minimum standards must be met:

1. The vessel must be flagged to a CCAMLR Member State which has a bilateral agreement with the UK allowing the deployment of CCAMLR observers.

A copy of the vessel's registration with the flag state concerned must be supplied.

2. The vessel must have:

- an IMO number;
- an operational and tamperproof Vessel Monitoring System on board that complies with CCAMLR specifications and the guidance set out in Annex D;
- an operational Class A Automatic Identification System (AIS).

Documentary evidence in support of these matters must be supplied.

3. The following documents in respect of the vessel must be supplied:

- a Flag State safety certificate;
- a certificate of insurance or other financial security of civil liability for bunker oil pollution damage;
- a ship sanitation certificate;
- a wreck removal certificate;
- a fire plan for the vessel;
- a contingency plan in case of emergency; and
- a plan of the vessel.

4. The vessel must have VMS records for a continuous period of two years beginning on 1 March 2020 or, if the vessel is a new vessel which only became operational since that date, from the date on which she became operational.

These VMS records, validated by the state to which she was flagged, must be supplied.

**ANNEX B
MACKEREL ICEFISH LICENSING CRITERIA**

The Director of Fisheries will assess applications against the following criteria. Applicants are advised to set out clearly how they meet these criteria in their applications and should support their statements with relevant documentary evidence.

1) Compliance (maximum score 30):

- The compliance record in SGSSI, in other Convention Areas, and elsewhere of the applicants, owners, operators, charterers and vessel over the preceding 10 years.
- Evidence of due diligence having been undertaken in relation to the recruitment of suitable officers and crew and their involvement or potential involvement in any IUU activities who will be on the vessel when in the Maritime Zone.

2) Welfare and safety (maximum score 30):

- The characteristics of the vessel, including overall age, condition, and ice classification.
- Evidence of safety protocols and standards, contingency planning, safety training and equipment on board the vessel.
- Evidence of the support for crew welfare and safety currently in place on board the vessel, such as medical provision.
- Evidence of commitment to or working towards achieving ILO188 equivalent standards on crew welfare, such as conditions of service, accommodation and food, occupational safety and health protection, and social security.

3) Raising fishery standards (maximum score 20):

- Evidence of previous contributions to fisheries science and the raising of fishery standards in SGSSI, in other Convention Areas, and in other fisheries.
- Evidence of vessel and crew capability and capacity and experience to support science within the SGSSI Maritime Zone as set out in the fishery management plan.
- Evidence of processes to reduce impacts on the environment during fishing AND non-fishing operations such as improved vessel/operational efficiency to reduce carbon emissions or procedures to reduce transfer of marine invasive species.

4) Experience (maximum score 20):

- Operational experience of the operator or charterer, and associated officers and crew, in SGSSI, other Convention Areas, and in similar fisheries.
- Demonstration of how experience is being applied to support the successful operation of the vessel and in furthering the objectives of the Government, CCAMLR and/or fisheries within other jurisdictions.
- Evidence of past catch effectiveness of target species while ensuring minimisation of by-catch.

The Director of Fisheries may also take into account other information provided by the applicant that falls outside these criteria that is relevant to the fishery and its management

ANNEX C
IUU FISHING AND OTHER DEFINITIONS

Explanatory note:

The origin of many of these definitions and the approach taken by the Government to IUU fishing derives in large measure from EC Council Regulation (EC) No 1005/2008.

For the purposes of the Licence Conditions:

1. 'illegal, unreported and unregulated fishing' or 'IUU fishing' means fishing activities which are illegal, unreported or unregulated;
2. 'illegal fishing' means fishing activities:
 - (a) conducted by national or foreign fishing vessels in maritime waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
 - (b) conducted by fishing vessels flying the flag of States that are contracting parties to a relevant regional fisheries management organisation or any other relevant management organisation, but which operate in contravention of the conservation and management measures adopted by that organisation and by which those States are bound, or of relevant provisions of the applicable international law; or
 - (c) conducted by fishing vessels in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organisation;
3. 'unreported fishing' means fishing activities:
 - (a) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
 - (b) which have been undertaken in the area of competence of a relevant regional fisheries management organisation and have not been reported, or have been misreported, in contravention of the reporting procedures of that organisation;
4. 'unregulated fishing' means fishing activities:
 - (a) conducted in the area of application of a relevant regional fisheries management organisation by fishing vessels without nationality, by fishing vessels flying the flag of a State not party to that organisation or by any other fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation; or
 - (b) conducted in areas or for fish stocks in relation to which there are no applicable conservation or management measures by fishing vessels in a manner that is not consistent with State responsibilities for the conservation of living marine resources under international law;

5. 'fishing vessel' means any vessel of any size used or intended for use for the purposes of commercial exploitation of fishery resources, including support ships, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels.

6. A fishing vessel shall be presumed to be engaged in IUU fishing if it is shown that, contrary to the applicable law or the applicable conservation and management measures it has:

(a) fished without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State; or

(b) not fulfilled its obligations to record and report catch or catch-related data, including data to be transmitted by satellite vessel monitoring system, or to give prior notices; or

(c) fished in a closed area, during a closed season, without or after attainment of a quota or beyond a closed depth; or

(d) engaged in directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited; or

(e) used prohibited or non-compliant fishing gear; or

(f) falsified or concealed its markings, identity or registration; or

(g) concealed, tampered with or disposed of evidence relating to an investigation; or

(h) obstructed the work of officials in the exercise of their duties in inspecting for compliance with the applicable conservation and management measures; or the work of observers in the exercise of their duties of observing compliance with the applicable rules; or

(i) taken on board, transhipped or landed undersized fish in contravention of the legislation in force; or

(j) transhipped or participated in joint fishing operations with, supported or re-supplied other fishing vessels identified as having engaged in IUU fishing, in particular those included in the various IUU vessel list or in the IUU vessel list of a regional fisheries management organisation; or

(k) carried out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation and is flagged to a State not party to that organisation, or not cooperating with that organisation as established by that organisation; or

(l) no nationality and is therefore a stateless vessel, in accordance with international law.

7. All of the activities set out above are considered to be serious infringements. When determining what action to take when considering such matters, the Director of Fisheries may take account of the assessment of the gravity of the infringement in question as determined by the relevant competent authority but they are not bound to follow their assessment. In addition to such considerations the Director of Fisheries is entitled to take into account the actual or potential damage to the reputation of the Government and/or the fishery and/or the environment that has been or may be caused.

Associate

1. The term 'person' includes
 - a. individuals; and
 - b. extant corporate or unincorporated bodies or legal entities that have either,
 - i. in the jurisdiction of South Georgia and the South Sandwich Islands; or
 - ii. in the jurisdiction within which they were formed or in which they operate a distinct legal personality including the capacity to enter into contracts or to sue or be sued in their own name.
2. The term 'former entity' refers to any entity referred to in sub-paragraph 1(b) above that has ceased to exist, such as being liquidated or wound up in the previous 10 years.
3. A person is an associate of an individual if that person is—
 - a. the individual's husband or wife or civil partner,
 - b. a relative of—
 - i. the individual, or
 - ii. the individual's husband or wife or civil partner, or
 - c. the husband or wife or civil partner of a relative of—
 - i. the individual, or
 - ii. the individual's husband or wife or civil partner.
4. A person is an associate of any person if they are in partnership, whether or not with one or more other persons.
5. A person is an associate of another person where both are members of a limited liability partnership.
6. A person is an associate of another person where one of the persons is a limited liability partnership and the other is a member of that partnership.
7. A person is an associate of another person if they are in partnership with the husband, wife or civil partner or close relative of that other person; and a Scottish firm is an associate of any person who is a member of the firm.
8. A person is an associate of another person if either a contract of service or a contract for services exists between them.
9. A person is an associate of another person if one is lending money or providing finance to another.
10. A person is an associate of another person if one has the benefit of a charge or mortgage secured upon assets of another.
11. A person in their capacity as trustee of a trust, other than a pension scheme or an employees' share scheme, is an associate of another person if the beneficiaries of the trust include, or the terms of the trust confer a power that may be exercised for the benefit of, that other person or an associate of that other person.
12. A company is an associate of another company—
 - a. if the companies are members of the same group of companies; or

- b. if the same person has control of both companies; or
 - c. if a person has control of one company and that person's associates control the other; or
 - d. if a person has control of one company and that person's associates control the other company with that person; or
 - e. if a group of two or more persons has control of each company, and the groups either consist of the same persons or could be regarded as consisting of the same persons by treating (in one or more cases) a member of either group as replaced by an associate of that member.
13. A company is an associate of another person if:
- a. that person has control of it; or,
 - b. if that person and that person's associates together have control of it; or
 - c. if that person has lent money secured by a charge on any of the company's assets; or,
 - d. if that person and that person's associates together have lent money that is secured by a charge on any of the company's assets.
14. Where a former entity:
- (a) owed £5,000 or more either to the Government of South Georgia and the South Sandwich Islands or to the UK Government; and
 - (b) was wound up, struck off, or liquidated (or underwent a similar process in another jurisdiction) where it ceased to have legal personality;
- then the fact that the former entity has ceased to have legal personality shall be disregarded when determining whether a person is an associate.

Notes:

1. A person is a relative of an individual if he or she is that individual's brother, sister, uncle, aunt, nephew, niece, lineal ancestor or lineal descendant, treating—
 - i. any relationship of the half-blood as a relationship of the whole blood and the stepchild or adopted child of any person as his or her child, and
 - ii. an illegitimate child as the legitimate child of his mother and reputed father.
 2. For the purposes of determining whether someone is an associate:
 - a. Any director or other officer of a company is to be treated as employed by that company.
 - b. A person is to be taken as having control of a company if—
 - i. the directors of the company or of another company which has control of it (or any of them) are accustomed to act in accordance with that person's directions or instructions, or
 - ii. that person is entitled to exercise, or control the exercise of, one third or more of the voting power at any general meeting of the company or of another company which has control of it;
- and where two or more persons together satisfy either of the above conditions, they are to be taken as having control of the company.

“Company” includes any body corporate (wherever incorporated); and references to directors and other officers of a company and to voting power at any general meeting of a company have effect with any necessary modifications.

ANNEX D LICENCE CONDITIONS

This section sets out the conditions which apply to every licence.

A. Inspection

At the start of each fishing season and prior to commencing any fishing activity the licensed vessel must be presented for inspection to the Government's Officers at King Edward Point, South Georgia or to such other location as the Director of Fisheries may direct.

In addition to inspecting the vessel for compliance with the terms of this Licence the Government Officers shall be entitled to conduct such further examinations and inspections of the vessel, its equipment and everything within it or on it, whether or not belonging to the owner, vessel, the master, the crew or any other person embarked thereon as they may in their absolute discretion consider relevant or necessary to fulfil their licensing and fishery functions.

If the vessel fails the inspection, it must not commence any fishing activity before the reason for failing the inspection has been remedied to the satisfaction of a Government Officer or until the Director of Fisheries otherwise consents.

B. CCAMLR

All relevant CCAMLR Conservation Measures are incorporated into this licence and must be complied with at all times.

A copy of the most recent version of CCAMLR Conservation Measures must be available at all times for inspection by the master, the crew and any observer on board the vessel.

C. Documentation

The vessel must have on board the following documentation. This documentation must be kept in date, and renewed or updated documentation must be provided to GSGSSI at the earliest opportunity or on request:

- a licence from the vessels Flag State to fish for icefish in CCAMLR Subarea 48.3;
- a full and complete copy of the current icefish licence issued by the Director of Fisheries together with all licence conditions and such further or additional documentation and information so as to enable the master, the crew and any observer to understand and comply with its terms and conditions.
- Fisheries (Conservation and Management) Ordinance 2000; the relevant certificates of competency for the master, officers and relevant members of the crew;
- the relevant certificates of competency for the master, officers and relevant members of the crew;
- Flag State safety certificate;
- relevant certificates relating to the radio and other communications equipment and for its use;
- a ship sanitation certificate;
- a wreck removal certificate;
- a certificate of insurance or other financial security of civil liability for bunker oil pollution

damage;

- a fire plan for the vessel;
- a contingency plan and evidence that the master and crew have been trained for emergencies and other eventualities;
- paper copies of Admiralty charts 4213, 3588 and 3587;
- a plan of the vessel;
- a policy statement setting the health, safety and welfare standards to be provided for the officers, crew and anyone else on board the vessel; and
- in respect of each officer and member of the crew a signed copy of their contract of employment, or Fisher Work Agreement or similar document.

D. Safety and operational

The vessel must have, for so long as the vessel remains within the South Georgia & the South Sandwich Islands Maritime Zone:

- a fluent English speaker on board who must be identified to the Government Officer before the licensing inspection;
- an operational Class A Automatic Identification System (AIS) which must remain switched on at all times within the Maritime Zone;
- an operational and tamperproof Vessel Monitoring System (VMS) on board which conforms to the standards set out in the box below and which makes VMS transmissions hourly to the designated Fisheries Monitoring Centre;

Guidance on VMS

Automatic Location Communicators on vessels which intend to fish in the South Georgia & the South Sandwich Islands Maritime Zone must have:

- An internal GPS Static Unique Identifier
- An internal connection to GPS and satellite communications antenna(e)
- An internal power connection
- An internal backup battery
- Physical seals for unit and bulkhead connections
- Solid state memory capable of storing the following events and forwarding them on resumption of service:
 - Power cut
 - Power on / power off
 - Loss of GPS signal
 - Loss of communications signal
 - Unit opened (intrusion alarm)
 - History of position information

- suitable communication equipment and back-up equipment;
- a pilot ladder which conforms to the standards set out in IMO Resolution A889 (21) for Pilot Ladders;

- markings in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels;
- a statement from the UK Maritime and Coastguard Agency (MCA) or an MCA-approved inspector to confirm their compliance with the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977⁴;
- sufficient life jackets for all personnel (including the observer(s)), which must be in good condition, fitted with light (with batteries in date), whistle and reflective tape and be accessible in the event of an emergency;
- sufficient life raft places on both port and starboard sides for all personnel (including the observer(s)) who will be on board;
- sufficient immersion suits for all personnel (including the observer(s)), which must be in good condition and readily accessible in case of emergency;
- appropriate medical equipment and medical supplies and have on board someone who is qualified or trained in first aid and other forms of medical care and who has the necessary knowledge to use the medical equipment and supplies;
- access to a prearranged system of medical advice to vessels at sea by radio or satellite communication, including specialist advice, which shall be available at all times; and

E. Environmental

The vessel must at all times be operated and managed in such fashion, and its officers, and crew must at all times conduct themselves in such fashion so as to ensure a high level of protection for the environment (including all relevant land, water, air, wildlife, wildlife habitats, aquatic life, aquatic habitats and biosecurity).

Without prejudice to the generality of the forgoing the vessel, its officers and crew must at all times:

- not import or possess any animal or part thereof, except as permitted under a fishing licence, which would constitute a breach of the Wildlife and Protected Areas Ordinance 2011, as amended (see www.gov.gs/docsarchive/legislation/ for further information);
- comply with biosecurity requirements set out within the Government's Biosecurity Handbook which is updated annually including with regard to the deployment of rodent bait stations on board the vessel and deployment of rat guards (see www.gov.gs/biosecurity/ for further information);

⁴ Non UK-flagged vessels may, at their expense, secure a Torremolinos-equivalent inspection from the Government's designated inspector.

- enable access to rodent detection dogs and their handlers, as required, for the purpose of identifying and mitigating biosecurity risk;
- comply with the provisions of the Marine Protected Areas Order 2019 which prohibits fishing activity within 30km of South Georgia, and within 12 nautical miles from Clerke Rocks, unless a permit is issued to the vessel's operator under the Wildlife and Protected Areas Ordinance (see www.gov.gs for further information on the MPA and associated legislation);
- comply with legislation relating to the prohibition of use and carriage of Heavy Fuel Oils;
- not dump or discharge garbage, which must be incinerated or stored on board for disposal on shore (not on South Georgia). There are no suitable disposal facilities available within the territory or Maritime Zone of South Georgia & the South Sandwich Islands;
- not discard at sea:
 - (i) oil or fuel products or oily residues into the sea, except as permitted under Annex I of MARPOL 73/78;
 - (ii) food wastes not capable of passing through a screen with openings no greater than 25 mm;
 - (iii) poultry or parts (including egg shells);
 - (iv) sewage within 12 nautical miles of land, or while the ship is travelling at a speed of less than 4 knots;
 - (v) incineration ash.
- comply with the requirements of CM 25-03 (2019) and CM 42-01 (2019) for the minimisation of incidental mortality of seabirds and marine mammals. Should any vessel catch a total of 20 seabirds in a season it shall cease fishing and shall be excluded from further participation in the fishery in that season;
- undertake all net maintenance on deck and ensure no discharge of offal should take place during shooting or hauling or during the 30-minute period prior to shooting or hauling. To protect the net it is permitted to use a single thickness chafer, or a strengthening bag around the cod end, of at least 135mm mesh, which must be open at the cod end.

F. Currency of information

The Applicant must notify the Director of Fisheries as soon as practicable by email throughout the period of the licence:

- of any actual or proposed changes to any of the information supplied in the Application Form, including (but without limiting the generality of the obligation) any changes in the identity of the State to which the vessel is flagged; any changes in the identity of the owners, charterers, operators, master, officers and crew; and any changes to the welfare and safety standards which will apply on board the vessel;

- of any matters which have occurred since the Application Form was submitted concerning the compliance record (including any convictions, any pending or ongoing prosecutions or investigations, any other enforcement action such as the imposition of any civil penalty) concerning the vessel, the vessel owners, its operators, or charterers, the master, its officers, its crew or any Associates of such persons.

Without prejudice to any action the Director of Fisheries may take when advised of such changes or matters a failure to notify the Director of Fisheries may of itself lead to enforcement action which can include the revocation or suspension of the licence

G. Reporting

Reporting must be undertaken in line with relevant CCAMLR Conservation Measures. Current CCAMLR forms can be downloaded from www.ccamlr.org/en/data/data-forms.

In addition to all compulsory CCAMLR reporting, licence holders must satisfy the Government's reporting requirements. These include:

- daily catch and position reports which must be made to the Government Officer at King Edward Point. This will include whale sightings (number and species), incidental catches, vessel sightings and bird strikes;
- daily vessel position reports which must be sent to the GSGSSI Fisheries Patrol Vessel whilst the vessel is fishing within the South Georgia & the South Sandwich Islands Maritime Zone. Government Officers will provide details;
- bird/mammal strike reports which must be submitted to Government Officers at King Edward Point as soon as possible after the bird/mammal strike.

H. Observers

The vessel must have:

- an observer, appointed under the CCAMLR Scheme of International Scientific Observation, on board while fishing, for whom a single-occupancy officer-standard cabin must be provided and for whom an emergency action plan must be in place in the event of a serious incident involving an observer;
- a safe working area for the observer which must incorporate:
 - a non-slip workspace (suggested size of 2 m by 0.6 m) equipped with a good quality measuring board (suggested length 150 cm); and

- easy access to a motion sensitive balance (close to the observer workstation) suitable for weighing 30kg and accurate to 10g.

Guidance on observer deployments

- vessel operators must liaise with GSGSSI and their observer contractors to arrange for observers to be placed on board vessels;
- GSGSSI may, from time to time, deploy a second observer or scientist on a rotational basis on all vessels. The second observer will provide extra observations, ensure consistency between observers on different vessels and undertake additional scientific work;
- the second observer or scientist must have either a single-occupancy officer-standard cabin or, if such is unavailable, may share a cabin with the primary observer.
- all reasonable efforts must be made to facilitate the completion of observer biological sampling and other tasks; and
- communications between the vessel and the observer will ordinarily be in English.

I. Quota and By-catch

Vessels must not exceed the quota of mackerel icefish for each season allocated by the Director of Fisheries.

Licence holders cannot transfer quota between vessels. In exceptional circumstances the Director of Fisheries will consider the reallocation of quota between vessels as set out in Annex E.

The vessel must comply with by-catch limits set out in CM 33-01 (1995) and CM 42-01 (2021).

J. Raising Fishery Standards

Crew Welfare

Each licence holder and/or operator must ensure that:

- vessels have sufficient suitably trained and qualified officers and crew such that they can at all times navigate and operate safely, whilst also ensuring that all officers and members of the crew have regular and sufficient periods of rest of sufficient length so as to ensure and preserve their health, safety and welfare;
- all officers and crew members have a Fishers Work Agreement or similar written contract of employment which all have signed and understand. Each officer and crew member shall have been provided with a signed copy of the agreement that regulates their employment and their

position on the vessel whilst on board the vessel. The operator shall ensure that a copy of any such agreement shall be made available to the Director of Fisheries or any other Government Officer on request;

- all officer, crew and observer accommodation, all galleys, and messing areas, toilets, washing and showering facilities are kept clean, sanitary, decently habitable and safe, and maintained in a good state of repair;
- all officers, crew and observers are given reasonable facilities and opportunities to make contact with their families whilst on board the vessel;
- the vessel has established on-board suitable and sufficient procedures for the prevention of occupational accidents, injuries and diseases, and that all crew members have received appropriate training and on-board instruction and familiarisation with equipment to safely carry out any operations they will be engaged in;
- every person on board, including the observer, has received appropriate safety training, regular safety drills are conducted, and a log of all drills is maintained and available to GSGSSI officials on request; and
- that they deliver the commitments made in the licence application relating to raising crew welfare standards.

Research

Each vessel must:

- contribute to research in support of the Government's research priorities for the fishery set out in the fishery management plan. The Government will provide further information in advance of the fishing season; and
- deliver the commitments made by the applicant in the licence application relating to raising fishery standards, including in relation to science and innovation.

L. Prohibition on transfer of vessels, licences or quota

The licence holder cannot:

- vary or transfer any licence or quota; or
- substitute a vessel

Annex E

The application of the GSGSSI Fisheries Compliance and Enforcement framework to licensing of the South Georgia and the South Sandwich Islands icefish fishery

Compliance and enforcement of the relevant laws and licensing conditions of the icefish fishery operating within the SGSSI Maritime Zone is undertaken in accordance with the Government's Compliance and Enforcement framework.

Compliance - impact on licensing applications and current licences

Any:

- enforcement action (which can range from prosecution to the provision of informal advice); and/or
- investigation

concerning the compliance by operators, masters, officers, crews, vessels or any of their associates with the relevant law and licensing conditions including, but not limited to IUU:

- within the South Georgia and South Sandwich Islands Maritime Zone and/or licensed fishery; or
- in any other fishery;

and/or in relation to any other matter which touches upon the honesty, integrity or reliability of such person or persons must be disclosed promptly to the Director of Fisheries.

Such matters will be taken into account:

- when considering applications for a licence; and/or
- when considering whether any licence granted should be revoked or suspended during the currency of the licence.

Every application for a licence must disclose and include details of any and all:

- enforcement action; or
- investigation

that has occurred within the last 10 years and/or is ongoing or continuing concerning the compliance by operators, masters, officers, crews, vessels or any of their associates with the relevant law and licensing conditions including, but not limited to IUU:

- within the South Georgia and South Sandwich Islands Maritime Zone and/or licensed fishery; or
- in any other fishery;

or in relation to any other matter which touches upon the honesty, integrity or reliability of such person or persons.

The Government maintains a database of enforcement action it has taken. This will be cross-referenced during the licence application process.

When scoring the 'Compliance' criteria in the licence application or when considering what if any action should be taken during the currency of a licence the Director of Fisheries will consider the severity and frequency of any offences committed and the risks and/or damage they posed to:

- the fishery;
- the environment;
- the safety of the crew;
- the safety of others and of other vessels; and

- the reputation of those involved or affected.

In addition, the Director of Fisheries will consider:

- the penalty imposed (including costs, confiscations, forfeiture (including relief from forfeiture) and any compensation imposed or awarded);
- the extent of any financial or competitive advantage gained or disadvantage caused to others; and
- any remedial or corrective action taken or to be taken (e.g. to remedy the damage or to reduce the risk of further offending or non-compliance).

A record of serious and/or persistent non-compliance, or a successful prosecution will reduce the compliance score that can be achieved and reduce the chances of a licence being awarded.

Additional information on the nature and details of the offending will be sought both from licence applicants and the relevant competent authorities when necessary.

Enforcement action within the two-year licensing period.

In addition to the steps and measures outlined or referred to above and elsewhere it should be noted that:

- Operations and activities in the licensed fishery are monitored continuously by or for the Government.
- Instances of non-compliance are liable to be investigated and enforcement action taken. Investigations and enforcement action will be proportionate. Further information can be found in the Compliance & Enforcement framework documentation.
- The Director of Fisheries has the power to
 - revoke or suspend; or
 - vary or amend the terms and conditionsof any licence at any time.
- Pursuant to FCMO s20 a licence holder who has been convicted of an offence, whether under FCMO or any regulations made under FCMO, and is again convicted of such an offence will forfeit their licence including its quota. This forfeiture is in addition to any other penalty imposed. Any and all fees paid for the licence will also be forfeit.
- When a licence has been revoked or forfeited, the Director of Fisheries may, at his or her discretion and depending on the circumstances, and subject to the requirements of FCMO and the licensing criteria, offer a licence and quota to the next highest scoring unsuccessful eligible applicant with a compliant vessel (not being the licence holder whose licence was revoked or forfeited) who is willing to accept the licence (which may or may not be on the same terms as the one revoked or forfeited) and pay the fees. Such a licence may commence in the same or in a subsequent fishing season. If the licence does not commence during the current fishing season the Director of Fisheries may reallocate any unused quota amongst the remainder of the licenced vessels including in such a way as to exclude the licence holder (if a licensee of other vessels) and/or their Associates.

Licensed vessel unable to complete a fishing season

If, due to unforeseen and exceptional circumstances (such as force majeure), a vessel is unable to fish its quota once the fishing season has started, the Director of Fisheries may:

- offer the vessel's unfished icefish quota between other licensed vessels for the remainder of the fishing season. Any quota will be made available for sale to other licensed vessels, proportionally to their original allocation.
- retain the quota without reallocation. If the quota is retained by GSGSSI or it cannot be sold on to other licensed vessels, quota fees will not be refunded.

The Director of Fisheries' decision will be based on an assessment of management needs for regulation of the fishery including ensuring appropriate spatial coverage of the fishery to maintain sufficient research.

Annex F

Director of Fisheries obligation to consult the Secretary of State for Foreign, Commonwealth and Development affairs.

The Director of Fisheries will pursuant to FCMO and before issuing, varying, suspending or revoking a licence consult the UK Secretary of State for Foreign, Commonwealth and Development Affairs as to whether there would be any implications for foreign policy.

Pursuant to FCMO the Director of Fisheries will act in accordance with such advice as they may receive from the Secretary of State.