



South Georgia & the South Sandwich Islands

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

MACKEREL ICEFISH LICENSING INFORMATION FOR APPLICANTS FOR THE 2019/20 – 2020/21 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 2019/20 to 2020/21 inclusive.
- 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 Government of South Georgia & the South Sandwich Islands manages the fisheries in accordance with the United Kingdom's obligations under the Convention.
- 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 sustainable fisheries. As part of these objectives the Government is committed to maintaining, and raising, the standards of management, research and operation in the mackerel icefish fishery.
- 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 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.
- 1.6 The fishery operates within a multiple use Marine Protected Area (MPA) which was established in February 2012 and further enhanced with additional spatial and temporal restrictions in 2013 and 2019.
- 1.7 The Mackerel Icefish Fishery (48.3) Management Plan for the fishery is available with this documentation. This plan provides further information relevant to the application process including management objectives and research priorities.
- 1.8 The main legislation governing the management of the fisheries in the SGSSI MZ is the Fisheries (Conservation and Management) Ordinance 2000 as amended (FCMO), which is available on the Government's website: www.gov.gs).

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 91,500 tonnes.

- 2.3 CCAMLR has set a catch limit of 3,225 tonnes for the 2019/20 season and 2,132 tonnes for the 2020/21 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 3,200 tonnes for the 2019/20 season and 2,100 tonnes for the 2020/21 season.
- 2.4 For each of the 2019/20 and 2020/21 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 2019/20 and 2020/21 seasons are listed in CM 33-01 (1995) and CM 42-01 (2019). The by-catch of *Patogonotothen guntheri* will be limited to 100 tonnes for the area west of 40°W (Shag Rocks). Once this by-catch limit is reached in any season, the area west of 40°W will be closed to the icefish fishery.

4. Application and Licensing Procedure

- 4.1 The deadline for applications is **Friday 31 January 2020**. Applicants should note that the local time zone is GMT-3. **Applications received after this date will not be considered.** Applications should be made by sending a completed application form (available from the Government's 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.
- 4.2 All information will be treated as commercially confidential unless it is already in the public domain.
- 4.3 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 five criteria (compliance, safety, catch efficiency, experience, and raising standards) which underpin the management of the fishery. A maximum of 38 points may be awarded. Further details of these criteria can be found at **Annex B**.
 - (iii) Stage 3: In accordance with his obligations under the FCMO, the Director of Fisheries will consult with the Secretary of State for Foreign and Commonwealth Affairs in London to establish whether there are any implications for foreign policy in connection with the proposed licensing of vessels. The Director of Fisheries is required to act in accordance

with any advice received. Ordinarily, all communications between the Director of Fisheries and the Secretary of State are confidential.

- 4.4 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.
- 4.5 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. In addition, the Director of Fisheries may take any other information into account of which he is aware and which he considers to be relevant to an application.
- 4.6 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 Overseas Territories of the UK (UKOTs).
- 4.7 The Government is committed to eliminating Illegal, Unreported and Unregulated¹ fishing (IUU fishing) in its waters and to maintaining an effective regime for detecting, deterring, investigating and prosecuting anyone engaged in IUU fishing.
- 4.8 The Director of Fisheries 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 Associate² 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.
- 4.9 In ascertaining these matters the Director of Fisheries may have regard to the CCAMLR IUU Vessel Lists and regional fisheries management organisation lists, among other sources.
- 4.10 If a licence is granted in respect of a vessel and any of the conditions set out in paragraph 4.8 above are subsequently found to apply, the licence is liable to be suspended and/or revoked.
- 4.11 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 SGSSI MZ owned, chartered or operated whether solely or jointly by the debtor or by any Associate thereof; and

¹ See **Annex C** for the meaning of these terms.

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

(ii) to result in the suspension and/or revocation of any such licence.

4.12 The Government intends to notify applicants of the outcome of the application process by Friday 28 February 2020.

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) and submit to a pre-season licensing inspection. The purpose of the inspection is to enable the Government Officer 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 her inspection is not permitted to commence fishing activity until, in the opinion of the Government Officer, the grounds upon which she failed her inspection have been put right.
- 5.4 Licence conditions must be complied with throughout the entire season. A breach of licence conditions may lead to the suspension and/or revocation of a licence, to the imposition of an administrative penalty, and/or the institution of criminal and/or civil proceedings.

6. Payment Terms

- 6.1 Quota fees for 2019/20 are payable on or before 31 March 2020. Quota fees for 2020/21 are payable on or before 30 November 2020. Access fees will be payable at least seven days before the intended start of fishing. If fees are not received on time and in full then the vessel will usually not be allowed to fish until payment has been received in full. Delays in payment may result in the revocation of the licence.
- 6.2 Fees will not be refunded once they have been paid. Quota is not transferable between vessels.

Government of South Georgia & the South Sandwich Islands
17 December 2019

**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; and
- 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 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 17 December 2017 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 10). The compliance record of the vessel and her owners, charterers and operators as recorded in South Georgia fisheries or recorded in, or ascertainable from, published CCAMLR tables, CCAMLR scientific observer reports, CCAMLR inspection reports, and other relevant documents, records and publications. In considering this criteria, the Director of Fisheries will place particular weight on the recent compliance record of the vessel.

2) Safety (Maximum score 10). GSGSSI is concerned about the safety of all personnel on board fishing vessels including GSGSSI observers placed on those vessels. The Director of Fisheries will therefore take into account the safety of fishing vessels, including the age and condition (e.g. ice classification) of the vessel, the nature of the safety equipment installed on board and whether there is evidence of regular safety drills.

3) Catch efficiency (Maximum score 6). The ability of the vessel (and her charterers, owners and operators) to catch efficiently whilst minimising by-catch of seabirds and non-target fish. In considering this criteria, the Director of Fisheries will place particular weight on the recent catch record of the vessel (and her charterers, owners and operators). Applicants who have not recently fished in the South Georgia mackerel icefish fishery should provide validated evidence of catch rates in other fisheries.

4) Experience (Maximum score 6). The experience in the South Georgia mackerel icefish fishery of the vessel and her owners, charterers and operators. This will include *inter alia*: history of involvement in raising standards in the fishery and contributions to fisheries science. In this regard the Director of Fisheries will place particular weight on the recent contributions of the vessel and her owners, charterers and operators.

5) Raising standards (Maximum score 6). The extent to which the participation of the vessel and her owners, charterers, and operators in the fishery is likely to contribute to the future raising of standards of the fishery (for example, a vessel may contribute to the raising of standards by using equipment of a specification better than or by adopting a working practice of a higher standard than that currently required by CCAMLR or GSGSSI). Standards can also be raised by introducing new scientific research or investigations that will improve the management of the fishery as a whole. Regarding the raising of standards in terms of crew welfare, the Marine Stewardship Council's 'Forced and Child Labour Policies, Practices and Measures template v1.01' provides examples of crew welfare issues applicants may wish to consider (see <https://www.msc.org/for-business/certification-bodies/supporting-documents>).

The Director of Fisheries may also take into account other relevant information that falls outside these criteria.

ANNEX C DEFINITIONS

Illegal fishing refers to fishing activities:

- (1) conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- (2) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organisation but operate in contravention of the conservation and management measures adopted by that organisation and by which the States are bound, or of relevant provisions of applicable international law; or
- (3) in violation of national laws or international obligations, including those undertaken by cooperating States which are party to a relevant regional fisheries management organisation.

Unreported fishing refers to fishing activities:

- (1) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- (2) undertaken in the area of competence of a relevant regional fisheries management organisation which have not been reported or have been misreported, in contravention of the reporting procedures of that organisation.

Unregulated fishing refers to fishing activities:

- (1) in the area of application of a relevant regional fisheries management organisation that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organisation, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation; or
- (2) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

Associate

1. 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.
2. A person is an associate of any person with whom he is in partnership, and of the husband or wife or civil partner or a relative of any individual with whom he is in partnership; and a

firm is an associate of any person who is a member of the firm.

3. A person is an associate of any person whom he employs or by whom he is employed.
4. A person in his 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.
5. A company is an associate of another company—
 - i. if the same person has control of both, or a person has control of one and persons who are his associates, or he and persons who are his associates, have control of the other, or
 - ii. 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 a person of whom he is an associate.
6. A company is an associate of another person if that person has control of it or if that person and persons who are his associates together have control of it.

Notes:

1. A person is a relative of an individual if he 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 child, and
 - ii. an illegitimate child as the legitimate child of his mother and reputed father.
2. Any director or other officer of a company is to be treated as employed by that company.
3. A person is to be taken as having control of a company if—
 - a. 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 his directions or instructions, or
 - b. he 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.

4. "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

The vessel must report to the Government Officers at King Edward Point before commencing fishing activity and submit to an inspection. If the vessel fails her inspection, she is not permitted to commence fishing activity until, in the opinion of the Government Officer, the grounds upon which she failed her inspection have been put right.

B. CCAMLR

All relevant CCAMLR Conservation Measures (CMs) must be complied with. Additionally, a copy of the most recent CCAMLR Conservation Measures must be kept on board the vessel at all times.

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 her Flag State to fish for icefish in CCAMLR Subarea 48.3;
- a Flag State safety certificate;
- a ship sanitation certificate;
- a wreck removal certificate;
- a fire plan for the vessel;
- a contingency plan in case of emergency;
- paper copies of Admiralty charts 3588 and 3587;
- a plan of the vessel.

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);

- 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 Fisheries Monitoring Centre designated by GSGSSI;

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*

- 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 1977³;
- 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; and

³ Non UK-flagged vessels may, at their expense, secure a Torremolinos-equivalent inspection from the Government's designated inspector.

- 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.

E. Environmental

The vessel, her officers, and crew must:

- 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);
- enable access to rodent detection dogs and their handlers, as required, when the vessel is at Stanley 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 Shag Rocks, Black Rock and 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 usage and carriage of Heavy Fuel Oils which will be implemented during the licensing period;
- not dump or discharge garbage, which must be incinerated or stored on board for disposal on shore (not on South Georgia);
- 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 changes to any of the information supplied in the Application Form, including but without limitation 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 of the vessel, her owners, operators, charterers, master, officers and crew.

Any such changes, unless expressly approved by the Director of Fisheries by email, may invalidate the licence or render it liable to suspension and/or revocation.

G. Reporting

Reporting must be undertaken in line with relevant CCAMLR CMs and GSGSSI 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.
- CCAMLR five-day catch and effort reporting which is required by CM 23-01 (2016), which must be submitted directly to CCAMLR.
- CCAMLR monthly fine-scale catch and effort reporting which must be recorded on the CCAMLR C2 form as required by CM 23-04 (2016). This must be submitted directly to CCAMLR and copied to the Government Officers. These reports should include all catch, including mackerel icefish, other fish by-catch, any incidental catches, benthos and lost gear.
- fine-scale biological data which must be collected and reported in accordance with the CCAMLR Scheme of International Scientific Observation. The observer should normally complete this requirement.

Current CCAMLR forms can be downloaded from www.ccamlr.org/en/data/data-forms.

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 contractors MRAG to arrange for observers to be placed on board vessels;*
- *GSGSSI may 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 from time to time by the Director of Fisheries.

Quota is non-transferable.

The vessel must comply with by-catch limits set out in CM 33-01 (1995) and CM 42-01 (2019). The by-catch of *Patogonotothen guntheri* will be limited to 100 tonnes for the area west of 40°W (Shag Rocks). Once this by-catch limit is reached in any season, the area west of 40°W will be closed to the mackerel icefish fishery.

J. Raising Fishery Standards

Each vessel must:

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