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Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, and the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other

EXPLANATORY MEMORANDUM

On the basis of relevant Council mandate¹, the Commission on behalf of the European Union negotiated with the Republic of Kiribati in view of renewing the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Kiribati. Following these negotiations, a new Protocol was initialled on 3 June 2012, which covers a period of three years starting from 16 September 2012.

This procedure concerning the signing on behalf of the EU and provisional application of the new Protocol is launched in parallel with the procedures regarding the Council Decision, with the consent of the European Parliament, on the conclusion of the new Protocol, and the Council Regulation concerning the allocation of the fishing opportunities among the Member States under the said Protocol.

The Commission's negotiating position was based i.a. on the results of an ex-post evaluation study of the previous Protocol that was carried out by external experts in May 2012.

The new Protocol is in line with the objectives of the Fisheries Partnership Agreement aiming at strengthening the cooperation between the European Union and the Republic of Kiribati and promoting a partnership framework in which to develop a sustainable fisheries policy and responsible exploitation of fishery resources in the Kiribati's EEZ in the interests of both Parties.

The two Parties have agreed to cooperate with a view to implementing Kiribati's sectoral fisheries policy and to that end shall continue the policy dialogue on the relevant programming.

The new Protocol provides for a total financial contribution of EUR 1.325.000 per year for the whole period. This amount corresponds to: a) EUR 975.000 per year for the access to the Kiribati's EEZ, and b) EUR 350.000 per year, corresponding to the additional envelop paid by the EU to support of Kiribati's fisheries policy.

The Commission proposes, on this basis, that the Council adopts this Decision.

¹ Adopted by the 3155th meeting of the Council (Agriculture and Fisheries), on Tuesday 20 March 2012, as the "A" items listed in [7707/12](#).

Proposal for a

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on the signing, on behalf of the European Union, and the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, paragraph 2, in conjunction with Article 218 (5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 23 July 2007 the Council adopted Regulation (EC) No 893/2007¹ concerning the conclusion of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other.
- (2) The current Protocol setting out the fishing opportunities and financial contribution provided for in the said Partnership Agreement will expire on 15 September 2012.
- (3) The European Union has negotiated with the Republic of Kiribati a new Protocol to the Fisheries Partnership Agreement setting out the fishing opportunities and financial contribution.
- (4) On the conclusion of those negotiations, the new Protocol was initialled on the 3 June 2012.
- (5) In order to allow Union vessels to carry on fishing activities, Article 15 of the Protocol provides for it to be applied on a provisional basis from 16 September 2012.
- (6) Therefore, the Protocol should be signed on behalf of the European Union, subject to its conclusion at a later date, and applied on a provisional basis,

¹ OJ L 205, 7.8.2007, p.1

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (hereinafter referred to as "the Protocol"), is hereby authorised on behalf of the Union, subject to its conclusion.

The text of the Protocol to be signed is attached to this Decision.

Article 2

The Council Secretariat General shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) indicated by the negotiator of the Protocol.

Article 3

The Protocol shall be applied provisionally as from 16 September 2012, pending its entry into force, in accordance with Article 15 thereof.

Article 4

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council
The President*

Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community¹, on the one hand, and the Republic of Kiribati, on the other

Article 1
Period of Application and Fishing Opportunities

1. Kiribati shall grant annual fishing authorisations² to the European Union tuna fishing vessels pursuant to Article 6 of the Fisheries Partnership Agreement (hereinafter the Agreement) within the limits established by the Western and Central Pacific Fisheries Commission (WCPFC) conservation and management measures (CMM) and in particular CMM 2008-01.
2. For a period of three years starting on 16 September 2012 the fishing opportunities granted under Article 5 of the Agreement shall be for 15 000 tonnes of highly migratory species as listed in Annex 1 to the 1982 United Nations Convention on the Law of the Sea, within the Kiribati EEZ, for 4 (four) purse seine vessels and 6 (six) long-line vessels.
3. Starting from the second year of application of this Protocol and without prejudice to Articles 9(d) of the Agreement and 5 of this Protocol, at the request of the EU, the number of fishing authorisations for purse seine vessels granted in Article 1(2) of this Protocol may be increased, if resources permit and in accordance with the WCPFC conservation and management measures.
4. Paragraphs 1, 2 and 3 shall apply subject to Articles 5 and 6 of this Protocol.

Article 2
Financial Contribution - Methods of Payment

1. The EU shall pay the sum of the amounts referred to in paragraph 2 of this Article, each year during the period of the application of this Protocol.
2. The financial contribution under Article 7 of the Agreement for the period specified under Article 1(2) of this Protocol shall comprise:
 - (a) an annual amount for the access to Kiribati EEZ of EUR 975 000 equivalent to a reference tonnage of 15 000 tonnes per year;
 - (b) a specific amount of EUR 350 000 for the support and implementation of initiatives taken in the context of the Kiribati sectoral fisheries policy.
3. Paragraph 1 of this Article shall apply subject to Articles 4, 5, 6 and 8 of this Protocol and to Articles 14 and 15 of the Agreement.

¹ The European Community became the European Union on 1 December 2009.

² Fishing authorisation means fishing licence under this Protocol and its Annex.

4. Both parties will secure to closely follow up the EU catches in the Kiribati EEZ. If the total quantity of catches per year by European Union vessels in the Kiribati EEZ exceeds 15 000 tonnes, the annual financial contribution, as referred in Paragraph 2(a) of this Article, shall be increased by EUR 250 per tonne for the first additional 2 500 tonnes and by EUR 300 per tonne for any further tonne above these additional 2 500 tonnes. These additional costs shall be borne by the EU with the amount of EUR 65 per additional tonne and the remaining part shall be paid by shipowners.
5. Payment as specified in Article 2 Paragraph 2(a) and 2(b) shall be made no later than 30 June after the entry into force of this Protocol for the first year and no later than 30 June for the following years.
6. The Kiribati authorities shall have full discretion regarding the use to which the financial contribution as specified in Article 2 Paragraph 2(a) of this Protocol is put.
7. The share of the financial contribution indicated in Article 2(b) of this Protocol shall be paid into the Kiribati Government Account No 4 with the ANZ Bank of Kiribati, Ltd, Betio, Tarawa ("Fisheries Development Fund") opened for the Kiribati Government by the Ministry of Finance. The remaining share of the financial contribution shall be paid into the Kiribati Government account No 1 with the ANZ Bank of Kiribati, Ltd, Betio, Tarawa opened for the Kiribati Government by the Ministry of Finance.

Article 3
Promotion of Responsible Fishing in Kiribati EEZ

1. The financial contribution as indicated in Article 2 Paragraph 2(b) shall be managed by the Kiribati authorities in the light of objectives identified by mutual agreement between the two parties.
2. As soon as this Protocol enters into force and no later than three months after that date, the Kiribati authorities shall provide a detailed annual and multiannual programme to the Joint Committee. The Joint Committee shall agree on this programme, which addresses the following requirements:
 - (a) annual and multiannual guidelines for using the financial contribution referred to in Article 2 Paragraph 2(b) for the initiatives to be carried out each year;
 - (b) the objectives, both annual and multiannual, to be achieved with a view to promoting, over time, of responsible fishing and sustainable fisheries, taking account of the priorities expressed by Kiribati in its national fisheries policy and other policies relating to or having an impact on the enhancement of responsible fishing and sustainable fisheries;
 - (c) criteria and procedures for evaluating the results obtained each year.
3. Any proposed amendments to the multiannual sectoral programme must be approved by both parties within the Joint Committee. Urgent changes to the multiannual sectoral programme required by the Kiribati authorities in relation to the promotion of the responsible fishing may be done outside of the Joint Committee through communication with the EU.

4. Each year, Kiribati shall allocate, if appropriate, an additional amount to the financial contribution referred to Article 2 Paragraph 2(b) with a view to implementing the multiannual programme. This allocation must be notified to the European Union. Kiribati shall notify the EU of the new allocation no later 1 March of each year.
5. Where the annual evaluation of the progress made in implementing the multiannual sectoral programme so warrants, the European Union may ask through the Joint Committee for the financial contribution referred to in Article 2 Paragraph 2(b) of this Protocol, to be readjusted with a view to bring the actual amount of financial resources allocated to the implementation of the programme into line with its results.
6. The Joint Committee is responsible for the follow up of the implementation of the multi-annual sectoral support programme. If necessary, both parties shall continue this follow up through the Joint Committee, after the expiry of this Protocol until the specific financial counterpart related to sectoral support foreseen in Article 2 Paragraph 2(b) has been fully utilised.
7. However, the payment of the financial contribution foreseen in Article 2 Paragraph 2(b) cannot be paid after a period of ten months following the expiry of this Protocol.

Article 4 ***Scientific Cooperation for Responsible Fishing***

1. Both Parties hereby undertake to promote responsible fishing in the Kiribati waters based on the principles set out in the FAO's Code of Conduct and of non-discrimination between the different fleets fishing in those waters.
2. During the period covered by this Protocol, the European Union and Kiribati shall ensure the sustainable use of the fishery resources in the Kiribati EEZ.
3. The parties undertake to promote cooperation at sub-regional level on responsible fishing and, in particular, within the WCPFC and IATTC and any other sub-regional or international organisation concerned.
4. In accordance with Article 4 of the Agreement, Article 4 Paragraph 1 of this Protocol and in light of the best available scientific advice, the Parties shall within the Joint Committee adopt, where appropriate, measures in respect of the activities of European Union vessels licensed and authorized to undertake fishing activities by this Protocol to ensure sustainable management of the fishery resources in the Kiribati EEZ.

Article 5 ***Adjustment of Fishing Opportunities by Mutual Agreement***

1. The fishing opportunities referred to in Article 1 of this Protocol may be adjusted by mutual agreement insofar as the recommendations of WCPFC corroborate that such an adjustment will secure the sustainable management of Kiribati resources. In this case the financial contribution referred to in Article 2 Paragraph 2(a) of this Protocol shall be adjusted proportionately and *pro rata temporis*.

2. If the fishing opportunities will be reduced due to the new closure of a substantial part of the Kiribati EEZ, the financial contribution of this Protocol may be adjusted proportionately and *pro rata temporis* after the consultation between the both parties within the Joint Committee.

Article 6 ***New Fishing Opportunities***

1. Where an interest is expressed by the EU in having access to new fishing opportunities which are not indicated in Article 1 of this Protocol, this interest should be addressed to Kiribati. The granting of such request for access to new fishing opportunities maybe made available, and may be the subject of another agreement.
2. At the request of one of the parties, they shall consult each other and determine on a case-by-case basis the relevant species, conditions and other parameters for conducting exploratory fishing in Kiribati waters.
3. The Parties shall carry out exploratory fishing activities in accordance with Kiribati Laws and Regulations and by mutual agreement. The authorisations for exploratory fishing may be granted, for a maximum period of three (3) months.
4. Where the Parties conclude that the exploratory surveys have produced positive results and new commercial species have been identified, while preserving ecosystems and conserving living marine resources, new fishing opportunities for that species may be offered to European Union vessels following consultation between the two Parties.

Article 7 ***Conditions Governing Fishing Activities — Exclusivity Clause***

1. European Union vessels may fish in Kiribati EEZ only if they are in possession of a valid fishing authorisation issued by Kiribati Authorities under this Protocol.
2. For fishing categories not covered by this Protocol, and for exploratory fishing, the Kiribati authorities may grant fishing authorisations to European Union vessels. However, the granting of these authorisations is subject to Kiribati Laws and Regulations and mutual agreement.

Article 8 ***Suspension and Review of the Payment of the Financial Contribution***

1. The financial contribution referred to in Article 2 Paragraphs 2(a) and 2(b) of this Protocol may be reviewed or suspended in the event of unusual circumstances, other than natural phenomena, prevent fishing activities in the Kiribati EEZ following consultation between the two Parties within a period of two months following the request of one of the Parties, and provided that the EU has paid in full any amount due at the time of suspension.

2. The European Union may suspend, totally or partially, the payment of the specific contribution provided for in Article 2 Paragraph 2(b) of this Protocol where the Joint Committee agrees that:
 - (a) the results obtained are found to be inconsistent with the programming following the evaluation carried out within the Joint Committee; or
 - (b) Kiribati fails to execute this specific contribution.
3. Suspension of the payment shall require the EU to notify its intention in writing at least two months before the date on which the suspension is due to take effect.
4. Payment of the financial contribution shall recommence once the situation has been remedied following actions to mitigate the above mentioned circumstances and following consultation and agreement of the two Parties confirming that the situation is likely to allow a return to normal fishing activities.

Article 9
Suspension and Reinstatement of Fishing Authorisation

1. Kiribati reserves the right to suspend fishing authorisations provided for in Article 1 Paragraph 2 of this Protocol where:
 - (a) a specific vessel is in a serious violation as defined by Kiribati Laws and Regulations; or
 - (b) a court order issued in relation to a violation of a specific vessel has not been respected by the shipowner. Once the court order has been respected, the fishing authorisation for the vessel shall be reinstated for the remaining period of the fishing authorisation.

Article 10
Suspension of the Application of the Protocol

1. In the event where consultations is exhausted without reaching an amicable settlement the application of this Protocol may be suspended at the initiative of either one of the Parties if:
 - (a) the European Union fails to make the payments provided for in Article 2, Paragraph 2 of this Protocol for reasons not covered by Article 8 of this Protocol; or
 - (b) a dispute between the Parties over the interpretation of this Protocol or its application arises; or
 - (c) either one of the Parties breaches the provisions laid out by this Protocol; or
 - (d) either one of the Parties ascertains a breach of essential and fundamental elements on human rights as laid out by Article 9 of the Cotonou Agreement.

2. Application of this Protocol may be suspended at the initiative of one Party if the dispute between the Parties is deemed to be serious and if the consultations held between the two Parties have not resulted in an amicable settlement.
3. Suspension of application of this Protocol shall require the Party concerned to notify its intention in writing at least two months before the date on which suspension is due to take effect.
4. In the event of suspension of application, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. Where such settlement is reached, application of this Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and *pro rata temporis* according to the period during which application of this Protocol was suspended.

Article 11
National Laws and Regulations

1. The activities of European Union fishing vessels when operating in Kiribati EEZ under this Protocol shall be governed by the applicable Laws and Regulations in Kiribati, unless otherwise provided for in the Agreement, this Protocol and the Annex and Appendices hereto.
2. Any changes or new legislation which is related for fisheries shall apply to the EU from the 60th day following the day when the notification is received by the EU from Kiribati.

Article 12
Review clause

1. After two years of application of this Protocol, the shipowner's contribution shall be reviewed and any changes will be subject to agreement by both parties. The third year of the application of this Protocol will be regarded as a transition period before the future introduction of the new management and conservation measure on fisheries initiated by Kiribati authorities.

Article 13
Duration

1. This Protocol and its Annex hereto shall apply for a period of three years from 16 September 2012, unless notice of termination is given in accordance with Article 14 of this Protocol.

Article 14
Termination

1. This Protocol may be terminated by either party in the event of unusual circumstances such as the degradation of the stocks concerned, the discovery of a reduced level of exploitation of the fishing opportunities granted to the European

Union vessels, or failure to comply with undertakings made by the parties with regard to combating illegal, unreported and unregulated fishing.

2. In the event of termination of this Protocol, the Party concerned shall notify the other Party in writing of its intention to terminate it at least six months before the date on which such termination would take effect. Dispatch of the notification referred to in the previous paragraph shall open consultations by the Parties.
3. Payment of the financial contribution referred to in Article 2 of this Protocol for the year in which the termination takes effect shall be reduced proportionately and *pro rata temporis*.

Article 15 ***Provisional Application***

This Protocol shall be applied provisionally from 16 September 2012.

Article 16 ***Entry into Force***

This Protocol with its Annexes shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.

ANNEX
CONDITIONS GOVERNING FISHING ACTIVITIES BY EUROPEAN UNION
VESSELS IN THE KIRIBATI FISHING ZONE
Fishing Activities by European Union Vessels in Kiribati

CHAPTER I
MANAGEMENT OF FISHING AUTHORISATIONS (LICENCES)

Section 1
Registration

1. Fishing by EU vessels within the Kiribati EEZ shall be subject to the issuance of a registration number by the Kiribati competent authorities.
2. Applications for registration shall be made on the form provided for that purpose by the Kiribati authorities responsible for fisheries, in accordance with the specimen given in Appendix I.
3. Registration shall be contingent upon the receipt of a 15 cm by 20 cm photograph of the applying vessel and the payment of EUR 2 300 per vessel per year as registration fee to be paid into the Kiribati Government account No 1 in accordance with the Article 2(7) of the Protocol, cleared of any deductions.

Section 2
Fishing Authorisations

1. Only eligible vessels may obtain fishing authorisation in the Exclusive Economic Zone (EEZ) of Kiribati.
2. For a vessel to be eligible, the owner and the master must have fulfilled all prior obligations arising from their fishing activities in Kiribati under the Agreement. The vessel itself must be in good standing on the FFA Regional Register of Fishing vessels and WCPFC Record of Fishing Vessels.

All European Union vessels applying for a fishing authorisation must be represented by an agent resident in Kiribati. The name, address and contact numbers of that agent shall be stated in the fishing authorisation application.

The European Commission shall present to the Ministry responsible for fisheries in Kiribati with copy to the Delegation of the European Union responsible for Kiribati (hereinafter “the Delegation”) an application for each vessel wishing to fish under this Protocol.

Applications shall be submitted to the Ministry responsible for fisheries in Kiribati on a form drawn up in accordance with the specimen in Appendix II.

3. Kiribati Authorities shall take all the necessary steps to ensure that the data received as part of the fishing authorisation application are treated as confidential. This data shall be used exclusively in the context of the application of this Protocol.

4. All fishing authorisation applications shall be accompanied by the following documents:
 - (a) payment or proof of payment of the fee for the period of validity of the fishing authorisation;
 - (b) a copy of the tonnage certificate, certified by the Flag Member State, giving the tonnage of the vessel expressed in GRT or GT;
 - (c) any other documents or certificates required under the specific rules applicable to the type of vessel concerned pursuant to this Protocol.
 - (d) a certificate of good standing on the FFA Regional Register of Vessels and the WCPFC Record of Fishing Vessels;
 - (e) a copy of the Certificate of Insurance in English valid for the duration of the fishing authorisation;
 - (f) an observer contribution fee of EUR 2 300 per vessel per year.

5. All the fees, except the observer contribution fee, shall be paid into the Kiribati Government account No 1 in accordance with Article 2(7) of the Protocol, clear of any deductions.

The fees shall include all national and local charges except for port taxes, service charges and transshipment fees.

Fishing authorisations for all vessels shall be issued both electronically and in paper form to ship-owners with an electronic copy to the European Commission and to the Delegation within 15 working days of receipt of all the documents referred to in point 4 by the Ministry responsible for fisheries in Kiribati. The electronic copy will be replaced by the paper form once received.

6. Fishing authorisations shall be issued for specific individual vessels and shall not be transferable.

7. At the request of the European Union and where force majeure is proven, a vessel's fishing authorisation shall be replaced by a new fishing authorisation for another vessel whose features are similar to those of the first vessel for the remaining period of the duration of the fishing authorisation, with no further fee due. The total catch by both vessels concerned will be taken into account when the level of catches by European Union vessels is taken into consideration to determine if any additional payments are to be made by the European Union according to Article 2 Paragraph 4 of the Protocol.

The owner of the first vessel shall return the fishing authorisation to be cancelled to the competent Kiribati authorities via the Delegation.

The new fishing authorisation shall take effect on the day the Ministry responsible for fisheries in Kiribati issues the fishing authorisation and is valid for the remaining period for the duration of the first fishing authorisation. The Delegation shall be informed of the new fishing authorisation.

8. The fishing authorisation must be kept on board the vessel at all times, prominently displayed in its wheelhouse, without prejudice to Chapter V Section 3 Paragraph 1 of this Annex. For a reasonable period of time after issuance of the fishing authorisation, not to exceed 45 days, and pending receipt by the vessel of the original fishing authorisation, a document received electronically, or other documentation approved by Kiribati authorities, is a valid document and shall constitute sufficient evidence for purpose of surveillance, monitoring and enforcement of the Agreement. The document received electronically will still have to be replaced by the paper form once received.
9. The two Parties shall seek agreement for the purposes of promoting the introduction of a fishing authorisation system based exclusively on the electronic exchange of all the information and documents described above. The two Parties shall seek agreement for the purposes of promoting the rapid replacement of the paper fishing authorisation by an electronic equivalent such as the list of vessels authorised to fish in Kiribati EEZ, as specified in Paragraph 1 of this section.

Section 3
Fishing Authorisation Conditions – Fees and Advance Payments

1. Fishing authorisations shall be valid for one year. They may be renewed on an annual basis. Renewal of fishing authorisations shall be subject to number of available fishing opportunities established by the Protocol.
2. The fishing authorisation fee shall be EUR 35 per tonne caught within the Kiribati EEZ.
3. Fishing authorisations shall be issued once the following standard amounts have been paid by shipowners to the Kiribati Government account No 1 in accordance with Article 2(7) of the Protocol:
 - (a) EUR 131 250 per tuna seiner vessel; and
 - (b) EUR 15 000 per surface long-liner;
4. To the amount indicated in paragraph 3 of this section it should be added a special contribution for fishing authorisation to be paid by shipowners to the Kiribati Government account No 1 in accordance with Article 2(7) of the Protocol in the amount of EUR 300 000 per tuna seiner vessel,
5. The final statement of the fees due for the fishing year shall be drawn up by the European Commission by 30 June each year for the amounts caught during the calendar year before and on the basis of the catch declarations made by each shipowner. The data should be confirmed by the scientific institutes responsible for verifying catch data of the European Union (Institut de Recherche pour le Développement (IRD), the Instituto Español de Oceanografía (IEO) or the Instituto Portugues de Investigaçao Maritima (IPIMAR).
6. The fee statement drawn up by the European Commission shall be transmitted to the Ministry responsible for fisheries in Kiribati for verification and approval.

The Kiribati authorities may question the fee statement within 30 days from the invoice of the statement and, in case of disagreement, request a special meeting of the Joint Committee, as foreseen under Article 9, paragraph 2 of the Agreement.

If no objections are raised within 30 days, the fee statement will be considered accepted by Kiribati Authorities.

7. The final fee statement shall be notified, without delay, to the Ministry responsible for fisheries in Kiribati, the Delegation, and the ship-owners.

Any additional payments shall be made by the ship-owners to the competent Kiribati authorities within forty-five (45) days from notification of the confirmed final statement into the Kiribati Government account No 1 in accordance with Article 2(7) of the Protocol, cleared of any deductions.

8. However, if the amount of the final statement is lower than the advance referred to in Paragraph 3 of this Section, the resulting balance shall not be reimbursable to the ship-owner.
9. If the fishing opportunities will be reduced due to the new closure of a substantial part of the Kiribati EEZ, the shipowner's fee may be adjusted proportionately and *pro rata temporis* after the consultation between the both parties within the Joint Committee.

CHAPTER II FISHING ZONES AND ACTIVITY

Section 1 Fishing Zones

1. The vessels referred to in Article 1 of the Protocol shall be authorised to engage in fishing activities within the Kiribati EEZ except in such areas which are designated as protected or prohibited areas indicated by the chart 83005-FLC and in accordance with the laws and regulations of Kiribati.
2. Kiribati shall communicate to the European Commission any modification to the said protected or prohibited areas as soon as it is adopted.
3. In any case, all fishing shall not be permitted within the 12 nautical miles from the base line and within 1 nautical mile radius of any anchored fish-aggregating device (FAD), for which notification of its location shall be given by geographical coordinates by any other citizen or entity. As regards purse seine vessels in particular, fishing is prohibited within 60 nautical miles from the baselines of the islands of Tarawa, Kanton and Kiritimati and from any submerged reef as depicted in the charts in Paragraph 1 above.

Section 2
Fishing Activities

1. Only fishing for species defined in Article 1 of the Protocol shall be permitted by purse seine and longline vessels. Any incidental by-catch of a species of fish other than those defined in Article 1 of the Protocol shall be reported to Kiribati authorities in accordance with Chapter III of this Annex.
2. Fishing activities of the European Union vessels shall be done in accordance with the requirements of WCPFC conservation and management measures.
3. No bottom fishing or coral fishing is permitted within the Kiribati EEZ.
4. European Union vessels shall conduct all fishing activities in a manner which will not disrupt traditional, local-based fisheries, and shall release all turtles, marine mammals, seabirds and reef fish in a manner which will provide this miscellaneous catch with the greatest chance of survival.
5. European Union vessels, its master and operator shall conduct all fishing activities in a manner, which will not disrupt the fishing operations of other fishing vessels and shall not interfere with the fishing gear of other fishing vessels.

CHAPTER III
MONITORING

Section 1
Catch Recording Arrangements

1. Masters of vessels shall record in their fishing logsheet the information listed in Appendix IIIA and IIIB. Electronic submission of catch data/logsheet data should apply to vessels over 24 meters from 1 January 2010 and gradually to vessels over 12 meters as of 2012. The Parties endeavour to seek agreement for the purposes of promoting the introduction of catch data on systems based exclusively on the electronic exchange of all the information described above. The two Parties shall seek agreement for the purposes of promoting the rapid replacement of the paper logsheet formats by electronic formats.
2. If no sets were made by a vessel for a particular day, or if a set is made and no fish are caught, the vessel master shall be required to record this information on the daily logsheet form. On days when no fishing operations are conducted, before midnight local time of that day, the vessel must record on the logsheet the fact that no operations were conducted.
3. Time and date of entries in and departures from Kiribati EEZ shall be recorded in the logsheet immediately after entry in and departure from Kiribati EEZ.
4. For incidental by-catch of species other than those defined in Article 1 of the Protocol, the European Union vessels shall record the species of fish taken and the size and quantity of each species by weight or number, as specified in the logsheet whether the catch is kept on board of the vessel or was returned to the sea.

5. The logsheets shall be filled in legibly on a daily basis and signed by the master of the vessel no later than 23:59H of each day.

Section 2
Catch Reporting Arrangements

1. For the purposes of this Annex, the duration of a fishing trip by the European Union vessel shall be defined as follows:
 - (a) either the period elapsing between entering and exiting the Kiribati EEZ;
 - (b) or the period elapsing between entering Kiribati EEZ and a transshipment;
 - (c) or the period elapsing between entering the Kiribati EEZ and a landing in a Kiribati designated port.
2. All European Union vessels authorised to fish in the Kiribati EEZ under the Agreement shall report their catches to the Ministry responsible for fisheries in Kiribati in the logsheet by the following manner:
 - (a) All signed logsheets shall be sent through Fisheries Monitoring Centre of Flag Member States to the Fisheries Monitoring Centre of Kiribati and to the European Commission by electronic or other means, within 5 days after each landing or transshipment operation,
 - (b) The Master of the vessel shall send weekly catch report with information listed in Appendix IV Part 3 to the Ministry responsible for fisheries in Kiribati and to the European Commission by electronic or other means. Weekly positions and catch reports shall be kept on board until the end of landing or transshipment operations.
3. Entering and leaving the zone:
 - (a) European Union vessels shall notify the Ministry responsible for fisheries in Kiribati at least 24 hours in advance of their intention to enter and immediately upon departure from the Kiribati EEZ. As soon as the vessels enter the Kiribati EEZ, they shall inform the Ministry responsible for fisheries in Kiribati by fax or e-mail in accordance with the specimen provided in Appendix IV or by radio.
 - (b) When notifying departure, vessels shall also communicate their position and the volume and species in catches kept on board in accordance with the specimen provided in Appendix IV. These communications shall be made by fax, e-mail or radio.
4. Vessels found to be fishing without having informed the Ministry responsible for fisheries in Kiribati shall be regarded as vessels without a fishing authorisation.
5. Vessels shall also be informed of the fax and telephone numbers and e-mail address of Kiribati authorities with delivery of the fishing authorisation.

6. Each European Union vessel shall make the logsheets and Catch Reports immediately available for inspection by enforcement officers and other individuals and entities clearly identified by an approved identity card confirming the inspector as authorized by Kiribati authorities to carry out boarding and inspection procedures.

Section 3 *Vessel Monitoring System (VMS)*

1. Each European Union vessel shall be required to comply with the FFA Vessel Monitoring System (FFA VMS) currently applicable in the Kiribati EEZ when operating in the Kiribati EEZ. Each European Union vessel shall have installed on board, maintained, and fully operational at all times a mobile transmission unit (MTU) approved by FFA.
2. The vessel and the operator agree not to tamper with, remove or have removed any MTU from the vessel after installation, except for the purposes of maintenance and repair as required. The operator and each vessel shall be responsible for the purchase, maintenance and operational costs of the MTU, and shall cooperate fully with Kiribati authorities in its utilization (see details in Appendix V).
3. Paragraph 1 above does not preclude the Parties from considering alternative VMS options compatible with the WCPFC VMS.
4. All data transmitted to the Kiribati FMC can only be used for control purposes in Kiribati EEZ. The VMS data cannot be forwarded, sold, offered or transmitted in any form to a third entities for control or any other purpose outside Kiribati EEZ.
5. The previous paragraph does not apply in the context of WCPFC obligations regarding MCS activities on the high seas of the WCPFC Convention Area.

Section 4 *Landing*

1. European Union vessels wishing to land catches in the ports of Kiribati shall do so within Kiribati designated ports. A list of these designated ports is provided as Appendix VI.
2. The owners of such vessels must notify the following information to the Ministry responsible for fisheries in Kiribati and to the FMC Flag Member State at least 48 hours in advance in accordance to the specimen provided in Appendix IV Part 4. If landings occur in a port outside EEZ of Kiribati, notification shall be made on the same conditions previously referred, to the port State where landing will take place and the FMC of Flag Member State.
3. Captains of European Union fishing vessels engaged in landing operations in a Kiribati port shall allow and facilitate the inspection of such operations by Kiribati authorised officers. Once the inspection has been completed, a certificate shall be issued to the Captain of the vessel.

Section 5
Transshipment

1. European Union vessels wishing to tranship catches in the waters of Kiribati shall do so within Kiribati designated ports. A list of these designated ports is provided as Appendix VI.
2. The owners of such vessels must notify the following information to the Ministry responsible for fisheries in Kiribati at least 48 hours in advance.
3. Transshipment shall be considered as an end of a trip. Vessels must therefore submit their catch declarations to the Ministry responsible for fisheries in Kiribati and state whether they intend to continue fishing or leave the Kiribati EEZ.
4. European Union vessels fishing in the Kiribati EEZ shall not tranship their catch at sea under any circumstances.
5. Any transshipment of catches not covered above shall be prohibited in the Kiribati EEZ. Any person infringing this provision shall be liable to the penalties under the Kiribati Laws and Regulations.
6. Captains of European Union fishing vessels engaged in transshipment operations in a Kiribati port shall allow and facilitate the inspection of such operations by Kiribati authorised officers. Once the inspection has been completed, a certificate shall be issued to the Captain of the vessel.

CHAPTER IV
OBSERVERS

1. At the time of lodging a fishing authorisation application, each European Union vessel concerned shall contribute an observer placement fee as specified in Chapter I Section 2 Paragraph 4(f) into the Kiribati Government Account No 4.
2. European Union vessels authorised to fish in the Kiribati EEZ under the Agreement shall take on board observers on the terms set out below:

A. For purse seine vessels:

European Union purse seine vessels shall carry at all times an observer from either Kiribati Fisheries Observer Program authorised under the WCPFC Regional Observer Program (WCPFC ROP), or an observer authorised by the WCPFC Regional Observer Program (WCPFC ROP) or an IATTC observer authorised through the Memorandum of Understanding agreed between the WCPFC and the IATTC on the cross-endorsement of approved observers while operating in the Kiribati EEZ. The ship-owners concerned, or their agents, shall inform, as soon as possible, the Ministry responsible for fisheries in Kiribati of the name of the observer and under which programme he is authorised.

B. For longline vessels:

- (a) The Ministry responsible for fisheries in Kiribati shall determine each year the scope of the programme for observation on board on the basis of the number of vessels authorised to fish in Kiribati EEZ, and the state of the resources targeted by those vessels. The Ministry shall determine accordingly the number or percentage of vessels which shall be required to take an observer on board. This shall be based on the WCPFC ROP programme and the observer coverage shall respect that provided for in this program in the Kiribati EEZ.
 - (b) The Ministry responsible for fisheries in Kiribati shall draw up a list of vessels designated to take an observer on board and a list of authorised observers as defined in subparagraph 2 A. These lists shall be kept up to date. They shall be forwarded to the European Commission as soon as they have been drawn up and every three months thereafter where they have been updated.
 - (c) The ship-owner concerned, or his agent, shall take the necessary steps to respect the requirements set out by Kiribati in accordance with (a) and (b) above and shall inform the Ministry responsible for fisheries in Kiribati no later than fifteen (15) days before the observer's planned embarkation date, of his intentions to take on board an authorised observer whose name shall be notified as soon as possible thereafter.
 - (d) The time spent on board by observers shall be fixed by the Ministry responsible for fisheries in Kiribati but, as a general rule, it should not exceed the time required to carry out their duties. The Ministry responsible for fisheries in Kiribati shall inform the ship-owners or their agents thereof when notifying them of the name of the observer appointed to be taken on board of the vessel concerned.
3. Subject to the provisions of this Chapter, Paragraph 2A, the ship-owners concerned shall make known at which Kiribati ports and on what dates they intend to take observers on board 10 days prior to the date intended to take on the observer at the commencement of a trip.
4. Where observers are taken on board in a foreign port, their travel costs shall be borne by the ship-owner. Should a vessel with an observer from Kiribati on board leave the Kiribati EEZ, all measures must be taken to ensure the observer's return to Kiribati as soon as possible at the expense of the ship-owner.
5. If the observer is not present at the time and place agreed and during the six (6) hours following the time agreed, ship-owners shall be automatically absolved of their obligation to take the observer on board.
6. Observers shall be treated as officers. They shall carry out the following tasks:
 - (a) observe the fishing activities of the vessels;
 - (b) verify the position of vessels engaged in fishing operations;
 - (c) perform biological sampling in the context of scientific programmes;
 - (d) note the fishing gear used;

- (e) verify the catch data for Kiribati EEZ recorded in the logsheet;
 - (f) verify the percentages of by-catches and estimate the quantity of discards of species of marketable fin-fish, crustaceans, cephalopods and marine mammals;
 - (g) report fishing data once a week by radio or other means, including the quantity of catches and by-catches on board.
7. Captains and masters shall permit authorized observers to board the authorized vessels operating within the Kiribati EEZ and shall do everything in their power to ensure the physical safety and welfare of observers during performance of their duties:
- (a) The captain or master shall allow and assist such authorized observer to board the vessel for scientific, monitoring, and other functions;
 - (b) The captain or master shall assist the observer to have full access and to use facilities and equipment on board the vessel, which the authorized observer may determine necessary to carry out the observer's duties;
 - (c) Observers shall have access to the bridge, fish on board and areas, which may be used to hold, process, weigh and store fish;
 - (d) Observers may remove a reasonable number of samples and shall have full access to the vessel's records, including its logs, catch reports, and documentation for the purpose of inspection and copying; and
 - (e) Observers shall be allowed to gather any other information relating to fisheries in the Kiribati EEZ.
8. While on board, observers shall:
- (a) take all appropriate steps to ensure that their presence on the vessel does not interfere in the normal operation of the vessel; and
 - (b) respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel.
9. While on board, observers have the right to:
- (a) Full access to and use of all facilities and equipment, respecting all rules of procedure and operation of the equipment of the vessel which the observer may determine as necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weight, and store fish;
 - (b) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties;
10. Observer Reporting:
- (a) At the end of the observation period regardless if the fishing trip has ended or not according to the definition provided in the Paragraph 1 of Section 2 of

Chapter III of this Annex, once the observer is disembarked and debriefed by the Observer Provider, a Final Report describing all fishing activity, including non-compliance issues, shall be drawn up and forwarded by the provider to the vessel owner and/or its representatives with copies to the Delegation in order to enable the master of the concern fishing vessel to make any comments.

- (b) Notwithstanding the provisions in part 10 a) above, once the Observer is disembarked, a Preliminary Report with a summary of the fishing activity including any non-compliance issues, shall be made available to the master of the fishing vessel or to the vessel owner or its representatives for comments, by the Observer Provider;
 - (c) The observer provider shall ensure the submission of the Final Observer Report to the European Commission, the competent authority of the flag state and the ship-owner or its representatives. This submission shall not be in any case more than 30 working days after the disembarkation of the observer.
11. Ship-owners shall bear the cost of accommodating observers in the same conditions as the officers on the vessel.
12. The salary and social contributions of the observer shall be borne by Kiribati Authorities when the vessel is operating in the Kiribati EEZ.

CHAPTER V CONTROL AND ENFORCEMENT

Section 1 Vessel Identification

1. For fisheries and marine safety purposes, every vessel shall be marked and identified in accordance with the Food and Agricultural Organisation (FAO) approved standard specification for the marking and identification of fishing vessels.
2. The letter(s) of the port or district in which the vessel is registered and the number(s) under which it is registered shall be painted or displayed on both sides of the bow, as high above the water as possible so as to be clearly visible from the sea and the air, in a colour contrasting with the background on which they are painted. The name of the vessel and her registration port shall be painted also on the bow and stern of the vessel.
3. Kiribati and the European Union may require if necessary, that the international radio call sign (IRCS), the number of International Maritime Organisation (IMO), or the external registration letters and numbers, be painted on top of the wheelhouse, so as to be clearly visible from the air, in a colour contrasting with the ground on which it is painted;
 - (a) The contrasting colours shall be white and black; and

- (b) The external registration letters and numbers painted or displayed on the hull of the vessel shall not be removable, effaced, altered, illegible, covered or concealed.
- 4. Any vessel not displaying its name and radio call sign or signal letters in the prescribed manner may be escorted to a Kiribati port for further investigation.
- 5. A vessel operator shall ensure the continuous monitoring of the international distress and calling frequency (2182) kHz (HF), and/or the international safety and calling frequency (156.8) MHz (Channel 16, VHF-FM) to facilitate communication with the fisheries management, surveillance and enforcement of Kiribati Authorities.
- 6. A vessel operator shall ensure that a recent and up to date copy of the International code of Signals (INTERCO) is on board and accessible at all times.

Section 2
Communication with Patrol Vessels of Kiribati

- 1. Communication between the permitted vessels and the patrol vessels of the Government shall be made by international signal codes as follows:
International Signal Code – Meaning:
LStop immediately
SQ3Stop or slow down, I wish to board your vessel
QNLay your vessel along the star board side of our vessel
QN1Lay your vessel along the port side of our vessel
TD2Are you a fishing vessel?
CYes
NNo
QRWe cannot lay our vessel alongside your vessel
QPWe will lay our vessel alongside your vessel
- 2. Kiribati shall provide to the European Commission a list of all Patrol Vessels to be used for fisheries control purposes. This list shall include all the details related with those vessels, namely: Name, Flag, Type, photo, identification external marks, IRCS and communication capability.
- 3. Patrol Vessel shall be clearly marked and identifiable as being on government use/service.

Section 3

Vessel List

The European Commission shall keep an up-to-date list of the vessels to which a fishing authorisation has been issued under the Protocol. This list shall be notified to the Kiribati authorities responsible for fisheries inspection as soon as it is drawn up and each time it is updated.

Section 4

Applicable Laws and Regulations

The vessel and its operators shall strictly comply with this Annex and laws and regulations of Kiribati. They should also comply with international treaties, conventions, and fisheries management agreements to which both the Kiribati and the European Union are a party. Failure to comply strictly with this Annex and with the laws and regulations of the Kiribati may result in substantial fines and other civil and criminal penalties.

Section 5

Control Procedures

1. Captains or masters of European Union vessels engaged in fishing activities in the Kiribati EEZ shall allow and facilitate boarding and the discharge of their duties by any Kiribati authorized officer responsible for the inspection and control of fishing activities at any time within the Kiribati EEZ.
2. In order to facilitate safer inspection procedures, boarding should be conducted with prior notice sent to the vessel, including the identity of the inspection platform and the name of the inspector.
3. Authorised officers shall have full access to the vessel's records, including its logsheets, Catch Reports, documentation and any electronic device used for recording or storing data, and the captain or master of the vessel shall permit such authorized officers to make notation on any permit issued by Kiribati Authorities or other documentation required under the Agreement.
4. The captain or master shall immediately comply with all reasonable instructions given by the authorized officers, and shall facilitate safe boarding, and facilitate the inspection of the vessel, gear, equipment, records, fish and fish products.
5. The vessel's captain, master or crew shall not assault, obstruct, resist, delay, refuse boarding, intimidate, or interfere with an authorized officer in the performance of duties.
6. These officers shall not remain on board for longer than is necessary for the discharge of their duties.
7. Where the provisions set out in this Chapter are not complied with, Kiribati reserves the right to suspend the fishing authorisation of the offending vessel until formalities have been completed and to apply the penalty laid down in applicable Kiribati laws and regulations. The European Commission shall be informed thereof.

8. Once the inspection has been completed, a certificate shall be issued to the master of the vessel.
9. Kiribati shall ensure that all staff involved directly in the inspection of fishing vessels covered by this agreement will have the necessary skills to conduct a fisheries inspection and are familiar with the fisheries concerned. During the inspection on board the fishing vessels covered by this agreement, the fisheries authorised officers of Kiribati shall ensure that the crew, vessel and her cargo are treated with full respect for international provisions foreseen on the WCPFC Boarding and Inspection Procedures.

Section 6 *Arrest Procedure*

1. Arrest of fishing vessels
 - (a) The Ministry responsible for fisheries in Kiribati shall inform the Delegation, within 24 hours, of all arrests and penalties imposed on European Union vessels in the Kiribati EEZ.
 - (b) The Delegation shall at the same time receive a brief report of the circumstances and reasons leading to the arrest.

CHAPTER VI **ENVIRONMENTAL RESPONSIBILITY**

1. European Union vessels recognize the need to preserve the fragile (marine) environmental conditions of the lagoons and atolls of Kiribati and the European Union vessels shall not discharge any substance that is likely to cause damage to, or deterioration in, the quality of marine resources. The European Union shall comply with provisions of the Kiribati Environment Act.
2. Where bunkering, or any other transfer of any product included in the United Nations International Maritime Dangerous Goods (IMDG) code takes place during a fishing trip in the Kiribati EEZ, European Union vessels shall report such activity to Kiribati authorities.

CHAPTER VII **CREWING**

1. Each European Union vessel fishing under the Agreement shall undertake to employ at least three Kiribati seamen as a crew-member. Shipowners shall endeavour to take on board additional Kiribati seamen.
2. The ship-owners shall pay EUR 600 per month per crew as a waiver fee if unable to employ Kiribati crew on board its licensed vessels as defined in Paragraph 1 above. The payment shall be made by shipowners annually to the Kiribati Government account No 4.

3. Ship-owners shall be free to select the seamen they take on board their vessels from the names on a list submitted by the Ministry responsible for fisheries in Kiribati.
4. The ship-owner or agent shall inform the Ministry responsible for fisheries in Kiribati of the names of Kiribati seamen taken on board the vessel concerned, mentioning their position in the crew.
5. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by European Union vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.
6. Kiribati seamen's employment contracts, a copy of which shall be given to the signatories, shall be drawn up between the ship-owners' agent(s) and the seamen and/or their trade unions or representatives in consultation with the Ministry responsible for fisheries in Kiribati. These contracts shall guarantee the seamen the social security cover applicable to them, including life insurance and sickness and accident insurance.
7. Kiribati seamen's wages shall be paid by the ship-owners. They shall be fixed, before fishing authorisations are issued, by mutual agreement between the ship-owners or their agents and the Ministry responsible for fisheries in Kiribati. However, the wage conditions granted to Kiribati seamen shall not be lower than those applied to Kiribati crews and shall under no circumstances be below ILO standards.
8. All seamen employed aboard European Union vessels shall report to the master of the vessel designated on the day before their proposed embarkation date. Where a seaman fails to report at the date and time agreed for embarkation, ship-owners shall be automatically absolved of their obligation to take the seaman on board.

CHAPTER VIII OPERATOR LIABILITY

1. The operator shall ensure that its vessels are seaworthy and contain adequate life safety equipment and survival gear for each passenger and member of the crew.
2. For the protection of Kiribati and the citizens and residents thereof, the operator shall maintain adequate and complete insurance coverage on its vessel through an internationally recognized insurance carrier acceptable to Kiribati Authorities for Kiribati EEZ, including areas within the lagoons and atolls, the Territorial Sea and submerged reefs as evidenced by the Certificate of Insurance referred to in Chapter I Section 2 Paragraph 4(e) of this Annex.
3. In the event a European Union vessel is involved in a maritime accident or incident in Kiribati, resulting in polluting and damages of any kind to the environment, to property or to any person, the vessel and the operator shall immediately notify Kiribati Authorities. Shall the European Union vessel be responsible for above mentioned damages, the vessel and operator are liable to pay for the costs of the aforementioned damages.

APPENDICES

I. REPUBLIC OF KIRIBATI REGISTER OF FISHING VESSEL APPLICATION FORM

II. APPLICATION FORM FOR A FISHING AUTHORISATION

III A. SPC/FFA REGIONAL PURSE-SEINE LOGSHEET

III B. SPC/FFA REGIONAL LONGLINE LOGSHEET

IV. REPORTING DETAILS

V. VMS PROTOCOL

VI. LIST OF DESIGNATED PORTS

VII. GEOGRAPHICAL COORDINATES OF KIRIBATI FISHING ZONE

VIII. DETAILS OF KIRIBATI FMC

Republic of Kiribati Register of Fishing Vessel Application Form

Fisheries Licence & Enforcement Unit,

PO. Box 64, Bairiki,

Republic of Kiribati

Tel:(686) 21099

Fax: (686) 21120

E-mail:flue@mfmrd.gov.ki

INSTRUCTIONS:

- Underline surname.
- Address means complete mailing address.
- Clearly mark X where appropriate; if not typed, print clearly.
- All units Metric; specify units if other systems used.
- Affix a recent 6 X 8 inch colour side photo of the vessel to this application.
- Affix a recent passport size colour portrait photo of the Fishing Master (Fish Captain)

The Director of Fisheries,

I hereby apply for registration of a vessel on the National Fisheries Register.

Name of vessel _____ Apply Date ____ / __ / ____

(dd/mm/yy)

If this vessel was registered before, specify:

Old vessel name _____ Old call sign _____

Old registration number _____

Vessel Owner:

Vessel Operator:

Name _____ Name _____

Address _____ Address _____

Tel. _____ Tel. _____

Fax. _____ Fax _____

Country of Registration _____

Country of Registration Number _____

International Radio Call sign _____

Onboard Telephone No _____ Onboard Telex No _____

Home Port _____ Country _____

Operational Base(s):

Port 1 _____ Country 1 _____

Port 2 _____ Country 2 _____

Vessel Master:

Fishing Master (Fish Captain):

Name _____ Name _____

Date of Birth _____ / _____ / _____ Date of Birth _____ / _____ / _____

(dd/mm/yy)

(dd/mm/yy)

Social Security No. _____ Social Security No. _____

Nationality _____ Nationality _____

Residence Address _____ Residence Address _____

Vessel Type:

Single Purse Seiner Longliner

Group Purse Seiner Pole and Liner

Purse Seine Carrier Longline Reefer

Support Craft Bunker

If other, specify _____

Usual Number of Crew _____

State(s) of Authorised Area of Operation _____

Hull Material : Steel Wood FRP Aluminium

If other, specify _____

Year Built _____ Place Built _____

Gross Tonnage _____ Overall Length _____

Main Engine(s) Power (specify units) _____

Maximum Fuel Carrying Capacity _____ Kilotres/Gallons

Daily Freezing Capacity (more than one, if appropriate):

Method		Capacity	Temperature
		Metric tons/day	(C)
Brine (NaCl)	Br	_____	_____
Brine (CaCl)	CB	_____	_____
Air (Blast)	BF	_____	_____
Air (Coils)	RC	_____	_____
If other, specify:	_____	_____	_____

Storage Capacity (more than one, if appropriate):

Method		Capacity	Temperature
		Cubic Meters	(C)
Ice	IC	_____	_____
Refrigerated Sea Water	RW	_____	_____
Brine (NaCl)	BR	_____	_____
Brine (CaCl)	CB	_____	_____
Air (Coils)	RC	_____	_____

Complete either A, B, or C below as appropriate.

A. For Purse Seine Vessels:

Helicopter Reg. No. _____ Helicopter Model _____

Net Length (metres) _____ Net Depth (metres) _____

Power Block Net Pull _____ Kilos

Purse Winch Bare Drum Line Pull _____ Metres per minute

Doppler Current Meter Present? Y / N (please circle your response)

Bird Radar Present? Y / N (please circle your response)

Number of Wells:

Stern _____ Storage Capacity _____ St/Mt

Bow _____ Storage Capacity _____ St/Mt

Support Craft:

Skiff Length _____ Metre/Feet Power of Engine _____ HP/PS

Speed Boat 1 Length _____ Metre/Feet Power of Engine _____HP/PS
Speed Boat 2 Length _____ Metre/Feet Power of Engine _____HP/PS
Speed Boat 3 Length _____ Metre/Feet Power of Engine _____HP/PS

B. For Longline Vessels:

Maximum Number of Baskets _____ Main Line Length in Km _____
Maximum Number of Hooks _____
Main Line Material _____
Line Shooter Present? Y / N (please circle your response)

C. For Support Craft:

Activities (more than one, if appropriate)

Light Boat Scouting Boat
Anchor Boat Aircraft

If other, specify _____

Fishing Vessel(s) Supported _____

I declare that the above information is true and complete. I understand, I am required to report within 30 days any changes to the above information, including the change in Vessel Master and Fish Captain during the period of registration. I further understand that failure to do so may affect good standing of my vessel on the Fishing Vessel Register.

Applicant:

Name _____ Signature _____

OWNER CHARTER AUTHORISED AGENT _____

Address

Tel. No _____ Fax. No. _____ E-mail. _____

APPLICATION FORM FOR A FISHING AUTHORISATION

1. New application or renewal :
2. Name of vessel and flag :
3. Period of validity : from to
4. Name of shipowner:
5. Address of shipowner:.....
6. Name and address of charterer (if different from 4 and 5):.....
7. Name and address of official representative in Kiribati:
8. Name of the captain of the vessel.....
9. Type of vessel :
10. Registration number : :
11. Vessel's external identification : :
12. Port and country of registration :
13. Overall length and breadth of vessel :
14. Gross and net tonnage :
15. Make and power of main engine :
16. Freezer capacity (t/d) :
17. Hold capacity (m³) :
18. Radio call sign and frequency :
19. Other communications equipment (telex, fax) :
20. Fishing applicants :
21. Number of crew broken down by nationality :
22. Number of fishing authorisation (in the case of a renewal, attach authorisation) :

I, the undersigned,....., certify that the above information is correct and undertake to comply therewith.

.....
.....

(Stamp and signature of ship-owner)

(Date)

REPORTING DETAILS

REPORTS TO THE DIRECTOR OF FISHERIES

Tel: (686) 21099 Fax: (686) 21120 E-mail : flue@mfmrd.gov.ki

1 Reporting of Entry to the Zone

24 hours prior to entering the fishery limits:

- (a) Report code (ZENT);
- (b) Registration or Licence number;
- (c) Call sign or signal letters;
- (d) Date of entry (DD-MM-YY);
- (e) Time of entry (GMT);
- (f) Position of entry;
- (g) Total Catch on board by weight by species:

SKIPJACK (SJ)_____(Mt)

YELLOWFIN (YF)_____(Mt)

OTHERS (OT)_____(Mt)

e.g. ZENT/89TKS-PS001TN/JJAP2/11.10.89/0635Z/0230N;17610E/SK-510:YF-120:OT-10

2. Reporting of Departure from the Zone

Immediately upon leaving the fishery limits:

- (a) Report code (ZDEP);
- (b) Registration or Licence number;
- (c) Call sign or signal letters;
- (d) Date of departure;
- (e) Time of departure (GMT);
- (f) Position of departure;
- (g) Catch on board by weight by species:
 - SKIPJACK (SJ)_____(Mt)
 - YELLOWFIN (YF)_____(Mt)
 - OTHERS (OT)_____(Mt)
- (h) Total catch in Zone by weight by species (like Catch on Board)

- (i) Total fishing days (the actual number of days in which a set was made in the Zone)

e.g. ZDEP/89TKS-PS001TN/JJAP2/21.10.89/1045Z/0125S;16730E/SJ-450:YF-190:OT-4/SJ-42:BE-70:OT-1/14

3. Weekly position and catch reporting while within the Zone

Every Tuesday while within the fishery limits after the entry report or the last weekly report:

- (a) Report code (WPCR);
- (b) Registration or Licence number;
- (c) Call sign or signal letters;
- (d) Date of WPCR (DD:MM:YY);
- (e) Reporting position;
- (f) Catch since the last report:
 - SKIPJACK (SJ)____(Mt)
 - YELLOWFIN (YF)____(Mt)
 - OTHERS (OT)____(Mt)
- (g) Fishing days since the last report.

e.g. WPCR/89TKS-PS001TN/JJAP2/11.12.89/0140N;16710W/SJ-23:YF-9:OT-2.0/7

4. Port entry, including entry for transshipment, re-provisioning, discharging crew or emergency

At least 48 hours before the vessel enters port:

- (a) Report code (PENT);
- (b) Registration or Licence number;
- (c) Call sign or signal letters;
- (d) Date of reporting (DD:MM:YY);
- (e) Reporting position;
- (f) Port name;
- (g) Estimated time of arrival (LST) DDMM:hhmm;
- (h) Catch on board by weight by species:
 - SKIPJACK (SJ)____(Mt)
 - YELLOWFIN (YF)____(Mt)
 - OTHERS (OT)____(Mt)
- (i) Reason for visiting port

e.g.PENT/89TKS-PS001TN/JJAP2/24.12.89/0130S;17010E/BETIO

/26.12:1600L/SJ-562:YF-150:OT-4/TRANSSHIPPING

5 Port departure

Immediately after leaving port:

- (a) Report code (PDEP);
- (b) Registration or Licence number;
- (c) Call sign or signal letters;
- (d) Date of reporting (GMT) DD-MM-YY;
- (e) Port name;
- (f) Date and time of Departure (LST) DD-MM:hhmm
- (g) Catch on board by weight by species:
 - SKIPJACK (SJ)_____(Mt)
 - YELLOWFIN (YF)_____(Mt)
 - OTHERS (OT)_____(Mt)
- (h) Next destination.

e.g. PDEP/89TKS-PS001TN/JJAP2/30.12.89/BETIO/29.12:1600L/SJ-0.0:YF-0.0:OT-4/FISHING GROUND

6. Entry into or Departure from a Closed (Prohibited) or protected Area

At least 12 hours before entering and immediately after leaving the closed (prohibited) or protected area:

- (a) Report type (ENCA for entry and DECA for exit);
- (b) Registration or Licence number;
- (c) Call sign or signal letters;
- (d) Date of ENCA or DECA;
- (e) Time of ENCA or DECA (GMT) DD-MM-YY:hhmm;
- (f) Position of ENCA or DECA (to one minute of arc);
- (g) Speed and course
- (h) Reason for ENCA

e.g. ENCA/89TKS-PS001TN/JJAP2/30.12.89:1645Z/0130S;17010E

/7:320/ENTER PORT

7. Refuelling Notice

At least 24 hours before refuelling from a licensed tanker:

- (a) Report type (FUEL);
- (b) Registration or Licence number;
- (c) Call sign or signal letters;
- (d) Date of reporting (GMT);
- (e) Position of reporting (to one minute of arc)
- (f) Amount of fuel on board (Kilolitres);
- (g) Estimated date of bunkering;
- (h) Estimated position of bunkering;
- (i) name of tanker.

e.g. FUEL/89TKS-PS001TN/JJAP2/06.02.90/0130S;17010E/35/08.02.90
/0131S;17030E/CHEMSION

8. Bunkering Activity Report

Immediately after refuelling from a licensed tanker.

- (a) Report type (BUNK);
- (b) Registration or Licence number;
- (c) Call sign or signal letters;
- (d) Starting date and time of bunkering (GMT) DD-MM-YY:hhmm;
- (e) Starting position of bunkering;
- (f) Amount of fuel received in kilolitres;
- (g) Ending time of bunkering (GMT);
- (h) Ending position of bunkering
- (i) Name of tanker.

e.g. BUNK/89TKS-S001TN/JJAP2/08.02.90:1200Z/0131S;17030E/160/08.02.90:
1800Z/0131S;17035E/CRANE PHOENIX

9 Transshipment Activity Report

Immediately after transshipping at an authorised port in Kiribati to a licensed carrier vessel.

- (a) Report type (TSHP);
- (b) Registration or Licence number;
- (c) Call sign or letters;

- (d) Date of discharge (DD-MM-YY);
- (e) Port of discharge;
- (f) Transhipped catch by weight by species;
 - SKIPJACK (SJ) ____.(Mt)
 - YELLOWFIN (YF)____.(Mt)
 - OTHERS (OT)____.(Mt)
- (g) Name of reefer carrier;
- (h) Destination of catch.

e.g. TSHP/89TKS-PS001TN/JJAP2/11.12.89/BETIO/SJ-450:YF-150:OT-0.0/JAPAN

STAR/PAGO PAGO

10. Completion Report

Within 48 hours after completing a trip by discharging catch at other fishing ports (outside Kiribati) including operational port, or home port.

- (a) Report type (COMP);
- (b) Vessel name;
- (c) Licence number;
- (d) Call sign signal letters;
- (e) Date of discharge (DD-MM-YY);
- (f) Discharged catch by species
 - SKIPJACK (SJ)____.(Mt)
 - YELLOWFIN (YF)____.(Mt)
 - OTHERS (OT)____.(Mt)
- (g) Name of port.

e.g. COMP/89TKS-PS001TN/JJAP2/26.12.89/SJ-670:YF-65:OT-0.0/BETIO

VMS Protocol

Provisions applicable to satellite monitoring of European Union fishing vessels operating in the Kiribati EEZ

1. All fishing vessels with an overall length exceeding 15 metres operating under this Agreement shall be tracked by satellite when fishing in the Kiribati EEZ.

For the purposes of the satellite tracking, the Kiribati authorities shall communicate to the European Union the latitude and longitude coordinates of the Kiribati EEZ.

The Kiribati authorities shall transmit this information in electronic form, expressed in decimal degrees (DD.DDD) in the geodesic system WGS 84.

2. The parties shall exchange information on addresses and the specifications for electronic data transmission between their Fisheries Monitoring Centres (FMC) in accordance with Paragraphs 5 to 7 of this Appendix. Such information shall include the following where they exist: names, telephone, telex and fax numbers, and e-mail addresses, which may be used for general communications between FMCs.
3. The position of vessels shall be determined with a margin of error of less than 500 metres and a confidence interval of 99%.
4. When a vessel which is fishing under the Agreement and is subject of satellite tracking pursuant to European Union legislation enters the Kiribati EEZ, the subsequent position reports (date, time, vessel identification, longitude, latitude, course and speed) shall be transmitted immediately by the FMC to the Kiribati Fisheries Monitoring Centre (FMC) at intervals of no more than three hours.

The first POS report from a vessel detected to be inside the Kiribati EEZ shall be identified as ENTRY (ENT). These messages will have the format established in Table 1.

The subsequent POS reports from a vessel while inside Kiribati EEZ shall be identified as POSITION (POS). These messages will have the format established in Table 2.

The first POS report from a vessel detected to be outside the Kiribati Fishing Zone shall be identified as EXIT (EXI). These messages will have the format established in Table 3.

5. The messages specified at part 4 of this Appendix shall be transmitted electronically in the format established therein, without any further protocol. They shall be communicated in near-real time with the contents set out in Tables 1, 2 and 3.
6. Where the Mobile Tracking Unit (MTU) installed on board a fishing vessel develops a technical fault or breaks down, the master of the vessel shall transmit the information specified at part 4 of this Appendix manually or by other means to the FMC of the flag State and the Kiribati FMC in good time. It will be necessary in those circumstances to send a global position report every eight hours. This global position report shall include the position reports

as recorded by the master of the vessel on a three-hourly basis in accordance with the requirements laid down in part 4 of this Appendix.

The faulty equipment shall be repaired or replaced within a period of not more than one month. After this deadline, the vessel in question must leave the Kiribati EEZ.

7. The FMC of the flag States shall monitor the movements of their vessels in Kiribati EEZ. If the vessels are not being monitored in accordance with the conditions laid down, the Kiribati FMC shall be informed immediately when this is discovered and the procedure laid down at part 6 of this Appendix shall be applicable.
8. If the Kiribati FMC establishes that the flag State is not transmitting the information specified in part 4 of this Appendix, the European Commission shall be informed immediately.
9. The monitoring data communicated to the other party in accordance with these provisions is intended solely for the purposes of the Kiribati authorities in controlling and monitoring the European Union fleet fishing under this Agreement. Such data may not under any circumstances be communicated to other parties.
10. The MTU software and hardware components shall be reliable and shall not permit the input or output of false positions or be capable of being manually overridden.

The system shall be fully automatic and operational at all times regardless of environmental and weather conditions. Destroying, damaging, rendering inoperative or tampering with the MTU shall be prohibited.

Masters shall ensure that:

- data transmitted by the MTU are not altered in any way;
 - the antenna or antennas connected to the MTU equipment are not obstructed or tampered in any way;
 - the power supply of the MTU equipment is not interrupted in any way; and
 - the MTU equipment is not moved or removed from the vessel.
11. Any dispute over the interpretation or application of these provisions shall be the subject of consultation between the parties within the Joint Committee provided for in Article 9 of the Agreement.
 12. The parties agree to review these provisions, when required.

**COMMUNICATION OF VMS MESSAGES TO KIRIBATI
POSITION REPORT**

Table 1. "ENTRY" message

Data Element:	Field Code:	Mandatory / Optional	Remarks:
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination Party Alfa-3 ISO country code
From	FR	M	Message detail; the transmitting Party Alfa-3 ISO country code
Record Number	RN	O	Message detail; serial number of the record in the relevant year
Record Date	RD	O	Message detail; date of transmission
Record Time	RT	O	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, "ENT"
Vessel Name	NA	O	Name of the vessel
External Registration Number	XR	O	Vessel detail; the side number of the vessel
Radio Call Sign	RC	M	Vessel detail; international radio call sign of the vessel
Master name	MA	M	Name of the master of the vessel
Internal Reference Number	IR	M	Vessel detail. Unique Party vessel number as Alfa-3 ISO flag country code followed by number
Latitude	LT	M	Position detail; position \pm 99.999 (WGS-84)
Longitude	LG	M	Position detail; position \pm 999.999 (WGS-84)
Speed	SP	M	Position detail; Vessel speed in tenths of knots
Course	CO	M	Position detail; Vessel course 360 ° scale
Date	DA	M	Position detail; UTC date of position (YYYYMMDD)

Time	TI	M	Position detail; UTC time of position (HHMM)
End of Record	ER	M	System detail; indicates end of the record

Table 2. "POSITION" message/report

Data Element:	Field Code:	Mandatory /Optional	Remarks:
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination Party Alfa-3 ISO country code
From	FR	M	Message detail; the transmitting Party Alfa-3 ISO country code
Record Number	RN	O	Message detail; serial number of the record in the relevant year
Record Date	RD	O	Message detail; date of transmission
Record Time	RT	O	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, "POS" ⁵
Vessel Name	NA	O	Name of the vessel
External Registration Number	XR	O	Vessel detail; the side number of the vessel
Radio Call Sign	RC	M	Vessel detail; international radio call sign of the vessel
Master name	MA	M	Name of the master of the vessel
Internal Reference Number	IR	M	Vessel detail. Unique Party vessel number as Alfa-3 ISO flag country code followed by number
Latitude	LT	M	Position detail; position ± 99.999 (WGS-84)
Longitude	LG	M	Position detail; position ± 999.999 (WGS-84)
Activity	AC	O ⁶	Position detail; "ANC" indicating reduced reporting mode

⁵ Type of message shall be "MAN" for reports communicated by vessels with a defective satellite tracking device.

Speed	SP	M	Position detail; Vessel speed in tenths of knots
Course	CO	M	Position detail; Vessel course 360 ° scale
Date	DA	M	Position detail; UTC date of position (YYYYMMDD)
Time	TI	M	Position detail; UTC time of position (HHMM)
End of Record	ER	M	System detail; indicates end of the record

¹ Type of message shall be “MAN” for reports communicated by vessels with a defective satellite tracking device.

² Applicable only if the vessel is transmitting POS messages at a reduced frequency.

Table 3. "EXIT" message

Data Element:	Field Code:	Mandatory / Optional	Remarks:
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination Party Alfa-3 ISO country code
From	FR	M	Message detail; the transmitting Party Alfa-3 ISO country code
Record Number	RN	O	Message detail; serial number of the record in the relevant year
Record Date	RD	O	Message detail; date of transmission
Record Time	RT	O	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, “EXI”
Vessel Name	NA	O	Name of the vessel
External Registration Number	XR	O	Vessel detail; the side number of the vessel
Radio Call Sign	RC	M	Vessel detail; international radio call sign of the vessel
Master name	MA	M	Name of the master of the vessel
Internal Reference Number	IR	M	Vessel detail. Unique Party vessel number as Alfa-3 ISO flag country code followed by number
Date	DA	M	Position detail; UTC date of position (YYYYMMDD)

⁶ Applicable only if the vessel is transmitting POS messages at a reduced frequency.

Time	TI	M	Position detail; UTC time of position (HHMM)
End of Record	ER	M	System detail; indicates end of the record

4) Format details

Each message in a data transmission is structured as follows:

- double slash (//) and the character “SR” indicates the start of a message,
- a double slash (//) and field code indicates the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by space
- the character ER and a double slash (//) indicate the end of the record.
- Character set. ISO 8859.1

APPENDIX VI

List of Designated Ports

Designated ports are:

- Tarawa**
- Kiritimati**

GEOGRAPHICAL COORDINATES OF KIRIBATI FISHING ZONE

1. Kiribati authorities will communicate the geographical coordinates of the Kiribati EEZ (chart 83005-FLC) to the EU by the 30th day following the day on which the Protocol comes into effect.

DETAILS OF KIRIBATI FMC

Name of FMC: Fisheries Licensing and Enforcement Unit

VMS Tel.: 00686 21099

VMS E-mail: fleu@mfmrd.gov.ki