



№ 2/CIRC/FSI

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To: Shipowners, ship managers, operators, masters, crewmembers,  
recognized organizations, agents, insurers and the shipping  
community

**SUBJECT: Amendments to the Decree of the Government of Georgia N423 of December 31, 2013 „On approval of the Technical Regulation regarding Fishing and Protection of Fish Stock“**

**GENERAL NOTE: Full translation of Government Regulation hereby is attached to this Circular. Present Circular does not intend modification nor does it modify the requirements set by the Government Regulations. Present Circular was designed to guide the concerned parties. In case of any discrepancy, the attached text of Government Ordinance shall prevail.**

**Please also note, that Order N 02 dated April 25, 2019 of the Director of LEPL Maritime Transport Agency of the Ministry of Economy and Sustainable Development of Georgia on the approval of “The Additional Requirements for Fishing Vessels Engaged in International Navigation Flying the Georgian flag” shall seize to be in force from May 1, 2020. Therefore provisions of New Government regulations will prevail from thereafter.**

**DEADLINES AND IMPORTANT DATES: May 1<sup>st</sup>, 2020, refer to paragraph 12 of this Circular**

### 1. Background & Introduction

1.1 This Circular draws the attention of all Georgian flagged fishing vessels engaged in the international navigation and involved in fishing or related activities.

1.2 The fishing means, searching, attracting, locating, catching, taking or harvesting fish or any fishing related activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish.

1.3 In the view of above, Government of Georgia introduced amendments to the Decree of the Government of Georgia N423 dated December 31, 2013 „On approval of the Technical Regulation Regarding Fishing and Protection of Fish Stock “.

### 2. Scope of the Technical Regulation

2.1 Technical Regulation regulates rules for catching fish as objects of the animal world according to their species, as well as time limits and determines a list of allowed tools and equipment for fishing. Moreover, the Technical Regulation sets the requirements for fishing vessel/vessels related to fishing, engaged in fishing and activities related to fishing and flying the flag of Georgia in territorial sea and exclusive economic zone of foreign countries and high seas, as well as for the citizens of Georgia and legal entities registered in Georgia with respect to Illegal, Unreported and Unregulated fishing (IUU) and requirements for the fishing vessels/vessels related to fishing flying the flag of a foreign country for entering ports of Georgia.”

### 3. Definition of Terms Extract from the regulation:

“a) illegal fishing -

a.a) Fishing conducted by fishing vessels/vessels related to fishing flying the flag of Georgia or the flag of a foreign country in maritime waters under the jurisdiction of other State, without the permission of that State, or in contravention of its laws and regulations;

a.b) Fishing conducted by fishing vessels/vessels related to fishing flying the flag of States that are contracting parties to a relevant regional fisheries management organisation, but which operate in contravention of the conservation and management measures adopted by that organisation and by which those States are bound, or of relevant provisions of the applicable international law; or

a.c) Fishing conducted by fishing vessels/vessels related to fishing in violation of national laws or international obligations

undertaken by Georgia (including those undertaken by cooperating States to a relevant regional fisheries management organisation);

**b) Unreported fishing:**

*b.a) fishing, which have not been reported, or have been misreported, to the relevant national authority, in contravention of national rules; or*

*b.b) fishing, which have been undertaken in the area of competence of a relevant regional fisheries management organisation and have not been reported, or have been misreported, in contravention of the reporting procedures of that organisation;*

**c) Unregulated fishing:**

*c.a) Fishing conducted in the area of application of a relevant regional fisheries management organisation by fishing vessels/vessels related to fishing without nationality, by fishing vessels/vessels related to fishing flying the flag of a State not party to that organisation or by any other fishing entity, in a manner that contravenes the conservation and management measures of that organisation; or*

*c.b) Fishing conducted in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing is conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.*

**d) Fishing related activities -**

*any operation in support of, or in preparation for fishing, including the landing, transshipping, packaging, processing, and transporting of fish that have not been previously landed at a port, as well as provisioning of personnel, fuel, gear and other supplies at sea.”*

#### **4. Penalties**

4.1 Penalties shall apply to IUU fishing related activities conducted by the vessels engaged in fishing and activities related to fishing and flying the flag of Georgia, as well as by the citizens of Georgia and legal entities registered in Georgia, in territorial sea and exclusive economic zone of foreign countries and high seas. Such activities shall be considered a serious infringement, for which the penalties are stipulated by the legislation of Georgia.

#### **5. Authorization of the fishing vessels flying the flag of Georgia and engaged in the international voyage and fishing or in the territorial sea and exclusive economic zone of the foreign States and in the high seas**

5.1 Master or an authorized representative of a vessel flying the flag of Georgia intending to carry out fishing in territorial sea and exclusive economic zone of foreign country or in high seas, is obliged to apply for the authorization to the LEPL National Environmental Agency (hereinafter referred as “NEA”) of the Ministry of Environmental Protection and Agriculture of Georgia (hereinafter referred as “MEPA”).

5.2 Contact details of persons in charge of the above-mentioned at NEA are as follows:

- Mr. Davit Dadiani – Chief Specialist (International and Public relations Division) - National Environmental Agency  
E-mail: [dave.dadiani@gmail.com](mailto:dave.dadiani@gmail.com)  
Mob: +995599371055
  
- Ms. Marina Mgeladze – Head of Division (Fisheries and Aquaculture) - National Environmental Agency  
E-mail: [mari.mgeladze@gmail.com](mailto:mari.mgeladze@gmail.com)  
Mob: +995591404024

5.3 It is prohibited to conduct fishing or fishing related activities in territorial sea and exclusive economic zone of foreign country and in high seas by the vessel flying the flag of Georgia without authorization.

#### **6. List of documentations for the authorization**

6.1 In order to receive the authorization for fishing in territorial sea and exclusive economic zone of foreign states, the master of a vessel has to submit the following information to NEA:

- i. Fishing license issued by other country to a vessel/vessel owner and notarized translation in Georgian, as well as licenses issued previously, where applicable.
- ii. Copies of the fishing legislation or a link to the web page where the legislation is uploaded of the licensing country in territorial waters of which the vessel intends to conduct fishing, as well as declaration rules of the regional fisheries management organization and their notarized translation in Georgian, where applicable;
- iii. Region, district and area for planned fishing;
- iv. Exact dates of fishing;
- v. List of species allowed for fishing;
- vi. Information of the fishing gears and equipment's;

- vii. About the port where the landing of the products takes place;
- viii. About the future ports where the landing might take place (where applicable);
- ix. A scientific evaluation demonstrating the sustainability of the planned fishing operations, including consistency with the provisions of Article 62 of UNCLOS, as applicable.

6.2 Fishing authorization may only be issued for fishing operations outside the territorial waters of Georgia if:

- i. The Agency has received complete and accurate information, in accordance with the requirements of the RFMO concerned;
- ii. The vessel owner /vessel has a valid fishing licence;
- iii. The vessel and any associated support vessel apply the relevant IMO ship identification number;
- iv. The vessel is not included in an IUU vessel list adopted by an RFMO and/or by the Union pursuant to the IUU Regulation;
- v. Where applicable, fishing opportunities are available to Georgia under the fisheries agreement concerned or the relevant provisions of the RFMO; and
- vi. Where applicable, the vessel complies with the requirements set out in the section 8 of the mentioned circular.

6.3 NEA may issue a fishing authorization for fishing operations on the high seas only if the requirements set by section 6.2 of this circular and if at least one of the following conditions are present:

- i. The planned fishing operations are in accordance with a scientific evaluation, demonstrating the sustainability of the planned fishing operations, provided or validated by a scientific institute in Georgia; or
- ii. The planned fishing operations are part of a research programme, including a scheme for data collection, organised by a national scientific body. The scientific protocol of the research, which will be required in any event, shall be validated by a scientific institute of Georgia.

## **7. Validity of the authorization**

7.1 LEPL National Environmental Agency issues authorization for one year.

7.2 In the presence of the conditions determined by the legislation, authorization shall be subject to annual renewal.

## **8. Authorization of the Vessel in Case of Change of Flag State**

8.1 This section applies to the fishing vessels flying under any flag State, which were deleted from State ships registry of Georgia during last five years and currently are registered under Georgian flag and intending to take authorization from NEA.

8.2 NEA may only issue a fishing authorisation if it has verified that, during the last 5-year period the vessel referred to in paragraph 8.1 operated under a foreign country's flag:

- i. Was not engaged in irregular, undeclared and unregulated (IUU) fishing;
- ii. Did not conduct fishing in the territorial sea of a foreign country which was identified by the European Union as a country allowing unsustainable fishing;
- iii. Did not conduct fishing in the territorial waters of a foreign country which was listed as non-cooperating country;

8.3 In order to receive authorization following information has to be submitted to NEA:

- i. A declaration of catches and fishing effort during the relevant period;
- ii. A copy of any fishing authorisations permitting fishing operations during the relevant period; .
- iii. An official statement by the authorized foreign country authority where the vessel was reflagged listing the sanctions the vessel or the owner and/or possessor had been subject to during the relevant period;
- iv. Complete flag history during the period when the vessel had left the Georgian register.

## **9. Review of the application for authorization**

9.1 In case of circumstances referred in this Circular paragraphs 6 and 8, NEA reviews submitted application and documentation within the 10 calendar days. If the documentation is incomplete and/or has shortcomings, NEA allots additional 5 days in order to provide additional documents concerned and/or to improve shortcoming(s). If the submitted information meets the requirements of the technical regulation NEA notifies the applicant about the positive decision in writing.

Notification should also contain information about the fee and payment conditions. In case if the applicant did not provide sufficient documentation or did not address the shortcomings – NEA denies the authorization and informs the applicant about the above mentioned.

9.2 After submission of the document regarding the payment of fees by the applicant, NEA authorizes the vessel and accordingly makes

relevant records in the special register. The form of a register and rules of procedures shall be approved by the Minister of Environmental Protection and Agriculture of Georgia.

9.3 If it will be identified that pre-conditions for the authorization had not been met, the authorization should be cancelled and appropriate measures should be carried out.

9.4 In case when the fishing vessels flying the flag of Georgia and engaged in fishing and fishing related activities in territorial sea and exclusive economic zone of foreign country and high seas were fined for the illegal, undeclared, and unregulated IUU fishing activities conducted repeatedly, NEA will cancel the fishing authorization for the mentioned vessel, with a period of redress for the violation, if the violation is not subject to redress, vessel authorization will be suspended for one year. For a repeated violation, the vessel will be suspended by the Agency which shall be notified to the Maritime Transport Agency. Cancellation of authorization does not relieve the vessel from the imposed penalty.

#### **10. Requirements for the fishing vessels engaged in fishing and fishing related activities in territorial sea and exclusive economic zone of foreign country and high seas**

10.1 After being authorized fishing vessel is obliged to install satellite based monitoring system on a vessel (VMS) in order to control fishing in real time and to be equipped with automatic identification system (AIS) as well as to maintain electronic fishing magazine. Satellite electronic monitoring system and its terms of use must meet the requirements set in the regulation adopted by the Government of Georgia.

10.2 Maritime Transport Agency ensures to control the data of the automatic identification system AIS. Whereas the State Sub Agency Department of Environmental Supervision of MEPA (hereinafter referred as "Department") controls the data of satellite based monitoring system on a vessel VMS.

10.3 Electronic fishing magazine is a document reflecting fishing process, fishing content and quantity of the obtained fish.

10.4 The master of a vessel is obliged to provide the Department with information regarding the catches conducted during the past quarter according to the electronic magazine.

10.5 The master of a vessel is obliged to provide the Department with information regarding the transportation during the past quarter according to the carrier magazine.

10.6 The vessel shall ensure continuous video recording of fishing process from departure until it arrives in port.

10.7 It is prohibited for the vessel to put fishing nets or carry out any fishing activity without conducting video recording.

10.8 Master of the vessel who has been granted an authorization from foreign country or authorization in high seas, is obliged to notify the Department the following information, before the transshipment from one vessel to another (excluding landing at the port):

- i. Name and identification number of a receiving vessel;
- ii. Estimated time for transshipment and geographical location;
- iii. Predicted amount of species intended for transshipment.

#### **11. Fees for catch certificate validation and Authorization of fishing vessel/vessels related to fishing**

11.1 Authorization of fishing vessel/vessels related to fishing, flying the flag of Georgia, in territorial waters of a foreign country, and in exclusive economic zone, also for fishing in high seas - 80 USD equivalent in GEL plus amount calculated according to textbox below.

<b>Overall capacity of the vessel</b>	<b>Fee per unit capacity (GRT Gross (volumetric) Registered tons)</b>
<=500 (GRT)	1.7 USD equivalent in GEL
501–5000 (GRT)	0.38 USD equivalent in GEL
5001–10000 (GRT)	0.22 USD equivalent in GEL
10001–50000 (GRT)	0.13 USD equivalent in GEL
>=50000 (GRT)	0.07 USD equivalent in GEL

11.2 If the State flag is changed by the fishing vessel/vessel related to fishing, the authorization fee will be determined as 50% of the fees specified in the regulation.

11.3 Authorization for entering ports of Georgia, of the fishing vessels/vessels related to fishing flying the flag of a foreign country - 200 USD equivalent in GEL.

#### **12. Transitional and concluding provisions**

12.1 Entry into force date of the new Government regulations indicated in the present circular is set for May 1, 2020.

