

Ministry of Economy and Sustainable Development of Georgia

LEPL Maritime Transport Agency Director's

Order № 02

2019 April 25

Batumi

On the approval of

**“The Additional requirements for fishing vessels engaged in international navigation flying under the Georgian flag”**

„On the Approval of the Regulation of Legal Entity of Public Law – Maritime Transport Agency” by Order N1-1/585 of 14 April 2016 of the Minister of Ministry of Economy of and Sustainable Development of Georgia approved regulation's „d“ sub-paragraph of paragraph 2 of Article 4, **I order:**

**Article 1.** The Annexed „The Additional requirements for fishing vessels engaged in international navigation flying under the Georgian flag“ shall be approved.

Article 2. The order shall come into force from the moment of its publishment.

Agency Director

Tamar Ioseliani

**Order On the approval of the Additional requirements for fishing vessels engaged in international navigation flying under the Georgian flag**

**Preamble**

Illegal, unreported, and unregulated (IUU) fishing remains one of the greatest threats to marine ecosystems. According to Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part taking into account the importance of ensuring responsible management of fish stocks in a sustainable manner as well as promoting good governance in trade, Georgia takes responsibility promote best practices in fisheries management, takes effective measures to monitor and control fishing activities, complying with long-term conservation measures and sustainable exploitation of marine living resources as defined in the main UN and FAO instruments relating to these issues; cooperating in the fight against

illegal, unreported and unregulated (IUU) fishing and fishing related activities with comprehensive, effective and transparent measures. Perform policies and take appropriate measures to exclude IUU products from trade flows and their markets. To take measures against illegal, unreported and unregulated (IUU) fishing is the purpose to strengthen the role of flag state and state ensure strengthen the control over the fishing vessels engaged in international navigation in compliance with international norms.

This rule is designed to prevent, Deter and eliminate illegal, Unreported and unregulated (IUU) fishing by fishing vessels engaged in international navigation flying under the Georgian flag. The Maritime Transport Agency, together with the relevant competent authorities of Georgia, shall take appropriate measures to ensure the efficiency of this system in accordance with international law.

### **The Additional requirements for fishing vessels engaged in international navigation flying under the Georgian flag**

#### **Article 1. General provisions**

1. This rule defines the Additional requirements for fishing vessels engaged in international navigation flying under the Georgian flag with regard to illegal, unreported and unregulated fishing.
2. This rule applies to the fishing vessels engaged in international navigation flying under the Georgian flag, which carrying fishing activities outside the territorial waters of Georgia, in the high Seas and in other States maritime zones.
3. The Agency shall provide the Ministry of Agriculture and Environment Protection of Georgia with information relating to illegal, unreported and unregulated fishing to exclude IUU products from trade flows and their markets.
4. The Agency is closely coordinated with the Ministry of Environment Protection and Agriculture of Georgia to the issues related to fishing vessels engaged in international navigation.
5. According to Georgian law and this rule, the Agency monitors and controls fishing vessels flying under the flag of Georgia engaged in international navigation.
6. The Agency shall publish information regarding fishing vessels engaged in illegal, unreported and unregulated fishing officially on the Agency website: [www.mta.gov.ge](http://www.mta.gov.ge).

#### **Article 2. Definition of the Terms**

1. Terms used in this text for the purposes of these rules, shall have the following meaning:

a) Illegal, unreported and unregulated fishing means fishing activities which are illegal, unreported or unregulated,

a.a) Illegal fishing means fishing activities:

a.a.a) conducted by fishing vessels in maritime waters under the jurisdiction of a State, without the permission of that State, or in violation of its laws and regulations;

a.b) unreported fishing means fishing activities:

a.b.a) which have not been reported, or is reported in violation international legislation and this rule.

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

a.c) unregulated fishing means fishing activities:

a.c.a) conducted by fishing vessels without nationality, by fishing vessels flying the flag of a State not party to that organisation in a manner that is not consistent with or contravenes the conservation and management measures of that organisation;

b) Fishing vessel - any vessel used for fishing or other variety of maritime crafts. Handicraft instrument is an integral part of the fishing vessel.

c) Transportation – means the unloading of all fishery products to another vessel.

d) regional fisheries management organisation (RFMO) (hereafter – regional organisation) means a sub-regional, or regional organisation with competence, as recognised under international law, to establish conservation and management measures for living marine resources placed under its responsibility by virtue of the convention or agreement by which it was established;

### **Article 3. Fishing vessels engaged in IUU fishing**

1. A fishing vessel shall be presumed to be engaged in IUU fishing if:

a) Fishing without the relevant licence or violates the license terms issued by an authorized organisation/competent authority; or/and

b) Used prohibited fishing gear; or/and

c) Violates the rules of transportation; or/and

d) Is conducting fishing without assigned quota, limit or without any quality (minimal fishing gear length and etc.) restrictions; or/and

e) Is conducting fishing at prohibited time or area/

#### **Article 4. The Liabilities of fishing vessels**

1. A fishing vessel registered under the flag of Georgia is obliged to submit to the Agency the following information:

- a) Fishing license state and English languages issued to the ship owner/vessel , as well as the fishing license issued earlier, in case of existence;
- b) Fishing region, area, scope;
- c) Specific time of fishing;
- d) Information about the allowed fish species;
- e) Information about fishing gear and equipment;
- f) Information about the port where the fishery products are reload;
- g) Information about the place of reload fish in the future.

2. The fishing vessel is obliged to install a vessel monitoring system (VMS) on the ship and be equipped with automatic identification system (AIS), as well as to produce a relevant electronic logbook.

3. The Agency provides data control Automatic Identification System (AIS) of the fishing vessels once per week or as necessary.

4. The electronic logbook is a document describing fishing process, fish composition and quantity.

5. The owner of the fishing vessel is obliged to provide the Agency with information about the fishery during quarter according to the logbook.

6. The owner of the fishing vessel is obliged to provide the Agency with information about the transportation of fishing products during the quarter according to the cargo logbook.

7. The fishing vessel is obliged to provide continuous video footage. The camera should be placed on the ship so as to ensure maximum control of the fishing process.

8. The fishing vessel is prohibited to use the fishing gear, put in water or to conduct any other action related to fishing without video filming.

#### **Article 5. Authority of the Agency**

1. The Agency is authorized:

- a) Within the competence shall Control and monitor the fishing vessels flying under the flag of Georgia;

- b) Shall request information from the regional organisation regarding the fishing vessels flying under the flag of Georgia.
- c) The Agency shall ensure to exchange information with Ministry of Environment Protection and Agriculture of Georgia regarding fishing vessels engaged in IUU fishing.
- d) Shall terminate of ship's registration from the Georgia's ship State Registry or refuse to register the vessel in the Georgia's ship State Registry.
- e) Shall request information from the flag state on the reasons for the deletion of the ship, Before registration of the ship in the Georgia's ship State Registry;
- f) Before issuing certificate of annual endorsement, the Agency checks the information about the involvement of the fishing vessel in the IUU fishing.

#### **Article 6. Responsibility**

Violation of the Requirements set by this rule and procedures of logbook shall be held liable under the legislation of Georgia.