

# Rules of Procedures 2023 - Appendix V

## Compliance Questionnaire for the year 2024 (CoC22)

**Deadline for submission: 23/1/2025**

### READING NOTES:

- The questionnaire is composed of 5 sections reporting on the implementation of IOTC Resolutions.
- Answers provided by CPCs are presented in **blue text**.
- A red dash ("–") indicates that no answer was provided.
- Some requirements have submission(s) deadline post CQ submission date. At the time of submission of the CQ, they may have not been submitted as individual requirement and they will appear blank in the CQ. However, the assessment will be available in the Compliance Report CoC22.

**All sections/questions applicable of the Compliance Questionnaire (CQ) Report must be completed.**

**Consult the Assessment criteria at the end of the Compliance Questionnaire report (For C, P/C, NC1, NC2).**

**Reporting CPC: South Africa**

**Date of submission: 07 February 2025 - 00:08**

You can consult your previous Compliance questionnaire for CoC 21 in e-MARIS Campaign CoC21 Assessment.

### User Manual

[e-MarIs Quick Start series: e-MARIS REPORTS: Compliance Questionnaire](#)

# Section 1 – Implementation obligations

## 1.1 Scientific committee



### Report of the Scientific Committee SC04 – National scientific report

#### Information required: National Scientific Report in 2023 - Deadline: 17/11/2024

1. Did you submit the data/report/information of this reporting obligation ?

- YES - Submitted

2. The 2024 national scientific report for the annual session of the Scientific Committee in 2024 provided to the IOTC Secretariat ?

- YES - CPC scientific report is submitted  
in 15 November 2024

3. The 2024 national scientific report for the annual session of the Scientific Committee in 2024 completed using the latest template report as directed by the Circular ?

- YES - It is completed using the latest template report

National scientific report ?

Yes 15 November 2024 - 16:31

Comments/remarks about the submission and the implementation of this requirement ?

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**Any additional information(s) / remark(s) on the completion of Section 1 of the Compliance Questionnaire ?**

None

# Section 2 – Flag State Controls

## 2.1 Authorised vessels

### Resolution 19/04 Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence



### Information required: List of authorised vessels 24 metres in length overall or more in 2024 - Deadline: 23/1/2025

1 . Did you submit the data/report/information of this reporting obligation ?

YES - Submitted

2. A list of authorised vessels exists - vessels 24 metres in length overall or more ?

- YES

3. All the mandatory information have been provided in the e-RAV application for all authorized vessels 24 metres in length overall or more ?

- YES – Complete

4. Mandatory information not fully provided or missing:

Mandatory parameter

Number of field(s) missing

Name of vessel

-

IMO number

-

National register number or EU registration (CFR) number

-

International radio call sign

-

Port of Registration

-

Type of vessel

-

Length overall (m)

-

Gross tonnage (GT)

-

---

**Total volume of fish hold(s) (in m3)** -

**Name of owner(s)** -

**Address of owner(s)** -

**Name of operator(s)** -

**Address of operator(s)** -

**Name of beneficial owner(s)** -

**Address of beneficial owner(s)** -

**Name of company operating the vessel** -

**Address of company operating the vessel** -

**Company registration number** -

**Gear(s) used** -

**Time period(s) authorised for fishing and/or tranship-  
ping - FROM** -

**Time period(s) authorised for fishing and/or tranship-  
ping - TO** -

**Colour photographs of the vessel showing the star-  
board side of the vessel showing the whole structure** -

**Colour photographs of the vessel showing the port-  
side of the vessel showing the whole structure** -

-

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## Colour photographs of the vessel showing the bow of the vessel

Specify the reasons for not fully provided or missing requirement:

-

### 5. Vessels on the Record of Authorized Vessels in 2024 :

INTEGRATION E-MARIS - E-RAV

## The below figures are automatically sourced from South Africa reporting in the e-RAV-2024

The fields are restricted to the e-RAV - Integration.

Number of vessels  $\geq 24$ m  
on the record of authorized vessel:

-

Number of vessels  $< 24$ m  
on the record of authorized vessel :

-

## **Information required: Template of the official authorisation to fish outside national jurisdictions in 2024 - Deadline: 23/1/2025**

1. Did you submit the data/report/information of this reporting obligation ?

- YES - Submitted

2. National flag vessels registered on the IOTC Record of Authorised Vessels are issued authorisations to fish (ATF) outside National Jurisdiction for species managed by the IOTC:

- YES - National flag vessels registered on the IOTC Record of Authorised Vessels are issued authorisations to fish (ATF) outside National Jurisdiction - for high sea only

3. The template of the official authorisation to fish outside National Jurisdictions, with associated information required, has been reported to the IOTC Secretariat:

- Reasons: -
- Reasons: -

- YES - Complete

Last date reporting: 06/03/2023

4. The information concerning the official authorisation to fish outside National Jurisdictions has been updated/changed in 2024 and we submit the updated information to the IOTC Secretariat:

- NO - No update to report in 2024

5. All the mandatory information on the template of the official authorisation to fish outside National Jurisdictions have been provided to the IOTC Secretariat:

- YES - Complete

Mandatory information are not fully provided or missing :

- Reasons: -

## 2.2 Chartering agreements

### Resolution 19/07 On Vessel Chartering in the IOTC Area of Competence



## **Information required: Start, suspension, resumption and termination of the fishing operations under the chartering agreement in 2024**

1. Did you submit the data/report/information of this reporting obligation ?

- NIL Report / Not Applicable - No chartered vessel and no chartering agreement in 2024

2. Reporting on start, suspension, resumption and termination of charter agreements signed in 2024 :

- Nil report - No chartered vessels and no chartering agreement in 2024

### **Charter 1**

CPC involved: -

Start date: -

Suspension date FROM: - - Suspension date TO: -

Resumption: - - Termination date: -

### **Charter 2**

CPC involved: -

Start date: -

Suspension date FROM: - - Suspension date TO: -

Resumption: - - Termination date: -

## **Information required: Information on the particulars of the charter agreements and detail of vessels (chartering CP) in 2024**

1. Did you submit the data/report/information of this reporting obligation ?

- NNIL Report / Not Applicable - No chartered vessel and no chartering agreement in 2024

2. You have chartering agreements signed in 2024 ?

- Nil report - No chartered vessels and no chartering agreement in 2024

3. The information of the charter agreements signed in 2024 , (as Chartering CP) reported to the IOTC Secretariat ?

- No

4. The information of the charter agreements signed in 2024 is reported within 15 days, or, in any case, prior to 72 hours before commencement of fishing activities under a Charter agreement ?

- No

Date of signature of the agreement(s): -

Date of commencement of fishing: -

Date of reporting: -

5. Chartering agreements have been signed with the following countries ?

-

6. For the chartered vessel(s) in 2024 under the charter agreement(s) :

Number of charter agreements ? 0

Number of charter vessels ? 0

## **Information required: Consent, measures, agreement implementation of IOTC CMMs (flag CPC) in 2024**

1. Did you submit the data/report/information of this reporting obligation ?

- NIL Report / Not Applicable - CPC does not have flag vessel chartered in 2024

2. The information of the charter agreements signed (as Flag CP) reported to the IOTC Secretariat ? –

3. The information of the charter agreements signed is reported within 15 days, or, in any case, prior to 72 hours before commencement of fishing activities under a Charter agreement ?

Date of signature of the agreement(s) ? –

Date of commencement of fishing ? –

Date of reporting ? –

4. Chartering agreements signed with the following countries ?

5. For the chartered vessel(s) under the charter agreement(s):

Number of charter agreements ? –

Number of charter vessels ? –

## 2.3 Active vessels

### Resolution 10/08 Concerning a Record of Active Vessels Fishing for Tunas and Swordfish in the IOTC Area



**Information required: List of active vessels in 2024 - Deadline: 15/2/2025**

1. Did you submit the data/report/information of this reporting obligation ?

2. List of vessels active provided to the IOTC Secretariat ?

- YES - The list of vessels active is provided and uploaded below

What criteria/information you are using to establish the List of Active Vessels?

- VMS information
- Return of paper national fishing logbook
- Report from electronic national fishing logbook

The List of Active Vessels includes the following categories of vessels ?

- Flag Vessels registered on the IOTC Record of Authorised Vessels
- Flag Vessels < 24m fishing exclusively in EEZ & NOT registered on the IOTC Record of Authorised Vessels

3. For national vessels - number of active vessels ?

Number of active vessels ≥ 24m: 17

Number of active vessels < 24m: 4

Additional information on the implementation of this obligation:

## 2.4 List of vessels fishing for yellowfin tuna

### Resolution 21/01 on an interim plan for rebuilding the Indian ocean yellowfin tuna stock in the IOTC area of competence



**Information required: List of vessels having fished for yellowfin tuna in the preceding year in 2024 - Deadline: 15/2/2025**

1. Did you submit the data/report/information of this reporting obligation ?

- YES - Submitted

2. The list of vessels which have fished yellowfin tuna (YFT) provided to the IOTC Secretariat and attached ?

- YES – The list of YFT vessels with catch of YFT in High sea fisheries AND catch of YFT in coastal fisheries in 2024 , is uploaded below.

### Criteria/information used to establish the List of vessels fishing YFT?

- Return of paper national fishing logbook
- Report from electronic national fishing logbook
- Landing/transshipment report
- Issuance of Fishing license in EEZ, Authorised target species include YFT
- Issuance of Authorisation to Fish high sea (ATF), Authorised target species include YFT

### 3. For national vessels - number of vessels ?

a. For vessels registered on the IOTC Record of Authorised Vessels (RAV):

Number of vessels  $\geq$  24m on the RAV fishing for yellowfin tuna ? 13

Number of vessels  $<$  24m on the RAV fishing for yellowfin tuna ? 8

b. For vessels **NOT** registered on the IOTC Record of Authorised Vessels (RAV):

Number of coastal/artisanal vessels fishing for yellowfin tuna ? –

Additional information on the implementation of this obligation ?

–

## 2.5 Control of domestic vessels

### Resolution 19/04 Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence



### Information required: Vessels to carry on board authorisation to fish and/or tranship and certificate of vessel registration in 2024 - Deadline: 23/1/2025

#### 1. Did you implement the obligation ?

- YES - Implemented

2. A system or procedures exist to monitor and to ensure compliance with the obligation for valid certificates of vessel registration and valid authorisation to fish and/or tranship to be on board national vessels:

- YES - CPC has systems / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe :

1. South African vessels are obliged to apply and be issued with a South African Maritime Safety Authority (SAMSA) registration and safety certificates.
2. All right holders can only fish for tuna and tuna-like species if they are in possession of a catch permit and a local/high seas license.
3. All right holders can only tranship tuna and tuna-like species if they are in possession of a transshipment permit and in the presence of a Fishery Control Officers. Tranship at sea is not permitted.

b. System or procedures to respond to instances of non-compliance

- Established in national law implemented by Government
- Established by national regulation implemented by Government
- Maintain compliance/infringement records

Describe: –

c. Actions in relation to potential infringements



- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish
- Fine

Describe: -

**3. All documents, valid certificates of vessel registration and valid authorisation to fish and/or tranship, were found to be on board national vessels inspected in 2024 ?**

- Reasons -
- Reasons -

- YES - Complete - Implemented by :

For

- National legislation, obliges national vessels to carry on board authorisation to fish and/or tranship and certificate of vessel registration

-  
**National legislation with provision of documents onboard ?**

Yes the 05 February 2025 - 02:23

**Reference of laws, regulations and administrative instructions in force related to this requirement:**

MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998)

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery

**Comments/remarks about submission and implementation of this requirement:**

NONE

**Information required: Fishing vessels to be marked in 2024 - Deadline: 23/1/2025**

**1. Did you implement the obligation ?**

- YES - Implemented

**2. A system or procedures exist to monitor and to ensure compliance, by persons/vessels, with the obligation for national vessel marking ?**

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe :

Marine Living Resources Act and Regulations Promulgated thereunder - 77Marking of fishing vessels and 78 Radio call signs Large Pelagic Longline and Tuna Pole Line permit conditions, p53 - operators are required to strictly adhere to the permit conditions

**Large Pelagic Longline and Tuna Pole Line permit conditions: Vessel Specifications**

b. System or procedures to respond to instances of non-compliance

- Established in national law implemented by Government
- Established in administrative orders implemented by Government

Describe:

Marine Living Resources Act and Regulations Promulgated thereunder - 77Marking of fishing vessels and 78 Radio call signs Large Pelagic Longline and Tuna Pole Line permit conditions, p53 - operators are required to strictly adhere to the permit conditions

**Large Pelagic Longline and Tuna Pole Line permit conditions: Vessel Specifications**

c. Actions in relation to potential infringements

- Suspend/cancel/revoke a licence/ATF

- Forfeiture of property such as vessel, gear, and fish
- Fine
- Other sanctions (specify below)

Describe:

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

### 3. All national fishing vessels are marked (e.i FAO Standard Specification for the Marking and Identification of Fishing vessels) ?

- Reasons -
- Reasons -
- 

- YES - Complete - Implemented by :

### 4. National legislation obliges vessels to be marked with ?

#### National legislation with provision of documents onboard ?

Yes the 05 February 2025 - 02:53

#### Reference of laws, regulations and administrative instructions in force related to this requirement ?

Marine Living Resources Act and the Regulations promulgated thereunder  
Large Pelagic Longline and Tuna Pole-line Permit Conditions

#### Comments/remarks about submission and implementation of this requirement ?

NONE

## **Information required: Passive fishing gears to be marked in 2024 - Deadline: 23/1/2025**

### 1. Did you implement the obligation ?

- YES - Implemented

### 2. A system or procedures exist to monitor and to ensure compliance, by persons/vessels, with the obligation to mark passive fishing gears ?

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

#### a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe: In accordance with Large Pelagic Longline and Tuna Pole Line permit conditions, p53 - operators are required to strictly adhere to the permit conditions

#### b. System or procedures to respond to instances of non-compliance

- Established in national law implemented by Government

- Established by national regulation implemented by Government

Describe:

- Established in national law implemented by Government
- Established by national regulation implemented by Government

c. Actions in relation to potential infringements

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish
- Fine

Describe:

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

**3. All passive fishing gears used by national fishing vessels are marked ?**

- Reasons -
- Reasons -
- 

- YES - Complete - Implemented by :

**4. National legislation obliges gears to be marked with ?**

- Name of vessel

Other: Vessel name on the buoys

**National legislation with provision of gears marked ?**

Yes the 05 February 2025 - 03:13

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

REGULATIONS IN TERMS OF THE MARINE LIVING RESOURCES ACT, 1998 CHAPTER 9 OTHER PROVISIONS - Part 1 Provisions relating to the leaving of objects and dispensing of material in the sea Fishing gear and other implements 86.

**Comments/remarks about submission and implementation of this requirement ?**

Vessel names on the buoys

**Information required: Vessels to carry on board bound national fishing logbook with consecutively numbered pages in 2024 - Deadline: 23/1/2025**

**1. Did you implement the obligation ?**

- YES - Implemented

**2. A system or procedures to monitor and to ensure persons/vessels compliance with the obligation for fishing vessels/persons to keep fishing national logbook on board, bound, with consecutively numbered pages and original kept on board at least 12 months ?**

•

YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe :

11.2 Catch Statistics:

(a) A new catch statistics logbook, available at Marine Resource Management upon receipt of a permit, is to be utilised every year. A second book can be obtained should the first book be fully utilized.

(b) The original catch statistics forms shall remain in the logbook until it is delivered to the Department. By the end of each month, following the month in which the fish were caught (e.g. January to be submitted by the end of February), the catch statistics must be submitted to the Department. Delivery methods include:

i. Scans of the original catch statistics form or electronic (excel or equivalent) copies to be emailed to [pllresearch@dffe.gov.za](mailto:pllresearch@dffe.gov.za). The electronic version of the catch statistics form is available upon request from [pllresearch@dffe.gov.za](mailto:pllresearch@dffe.gov.za).

ii. Hand deliver the original catch statistics form to the Customer Services Centre (Foretrust Building, Martin Hammerschlag Way). Certification and receipt of delivery will be confirmed by an official of the Branch: Fisheries Management who will stamp, date and sign the carbon copy of the catch statistics form in the logbook.

iii. Post to DFFE's Foretrust Building. Address in Clause 15.1. Attn: Large Pelagics Scientific Technician.

Delivery method (i) requires that all original logbook catch statistics forms only be submitted for Attn: Scientific Technician by the 28th of February 2025 (i.e end of the fishing permit year), or when requesting a new log book, or when the originals are requested by the Department. Catch statistics logbook forms and notifications must be submitted for the duration of the active permit.

(c) A "NO FISHING" return must be submitted for every month where no fish has been landed.

b. System or procedures to respond to instances of non-compliance

- Established in national law implemented by Government
- Established by national regulation implemented by Government

Describe:

14 VIOLATIONS

14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

14.2 A breach referred in paragraph 14.1 includes, but is not limited to:

(a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or

(b) failure to effectively utilise the permit.

(c) being convicted of an offence in terms of this MLRA.

(d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.

(e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

14.7 The Department may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

(f) The Department will not issue the 2025/26 catch permit to the Permit Holder if the required catch statistics data are not provided or are incomplete.

c. Actions in relation to potential infringements

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish
- Fine

Describe:

28. Cancellation and suspension of rights, licences and permits

(1) If a holder of any right, licence or permit in terms of this Act - (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit,

the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be.

(2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision.

(3) When a matter is referred to the Minister in terms of subsection (2), the Minister may - (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

### 3. All national fishing logbooks were found to be bound on board national fishing vessels ?

- Reasons: -

- Reasons: -

-

-

- YES - Complete - The national legislation obliges national fishing vessels to carry on board national fishing logbooks

### 4. All national fishing logbooks were found to be on board with consecutively numbered pages ?:

- Reasons: -

- Reasons: -

-

- YES - Complete

-

- YES - Complete - The national legislation obliges national fishing vessels to carry on board national fishing logbooks, with consecutively numbered pages.

### 5. All national fishing logbook were found to be on board with the original recordings contained in the fishing logbooks for a period of at least 12 months ?

- Reasons : -

- Reasons : -

-

- YES - Complete

-

- YES - Complete - The national legislation obliges national fishing vessels to carry on board national fishing logbooks with original recordings contained in the fishing logbooks for a period of at least 12 months

### National legislation with provision for: i) Logbooks to be carried onboard and bound? ii) Logbooks with consecutively numbered pages? iii) Logbooks with original recordings for at least 12 months on board ?

Yes the 22 January 2025 - 14:41

#### Reference of laws, regulations and administrative instructions in force related to this requirement ?

MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998) REGULATIONS IN TERMS OF THE MARINE LIVING RESOURCES ACT, 1998

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery

## Resolution 15/01 On the recording of catch and effort data by fishing vessels in the IOTC Area of Competence



## Information required: Template of official fishing logbooks in 2024 - Deadline: 23/1/2025

### 1 . Did you submit the data/report/information of this reporting obligation ?

- YES - Submitted

### 2. The information concerning the official fishing logbook has been updated/changed and submit the updated information:

- NO - We have NOT updated the official fishing logbook in 2024

**4. CPCs with paper official fishing logbook:**

a. If paper fishing logbook is not in one of the two languages of the IOTC, the complete field description of the logbook in one of the two languages of the IOTC is reported to the IOTC Secretariat:

- NO

Additional information:

Fishing logbook is in one of the two official languages of the IOTC

**5. CPCs with electronic fishing logbook system:**

a. The copy of the applicable regulations implementing the electronic logbook system is reported to the IOTC Secretariat:

- All flag vessels use paper fishing logbook on board

Additional information:

None

b. The set of screen captures of the electronic logbook system is reported to the IOTC Secretariat:

- All flag vessels use paper fishing logbook on board

Additional information:

None

c. The name of the certified software of the electronic logbook system has been reported to the IOTC Secretariat:

- All flag vessels use paper fishing logbook on board

Additional information:

None

d. If electronic fishing logbook is not in one of the two languages of the IOTC, the complete field description of the logbook in one of the two languages of the IOTC is reported to the IOTC Secretariat:

- No

Additional information:

Not implemented yet

## **Information required: Data recording system for vessels below 24m operating inside the EEZ in 2024 - Deadline: 23/1/2025**

1 . Did you submit the data/report/information of this reporting obligation ?

- YES - Submitted

2. The data/catch recording systems for vessels less than 24 metres of developing CPCs operating inside the EEZ is implemented at the standard of the Resolution 15/01:

- Reasons: -
- Reasons : -
- The -

- YES - The coastal data/catch recording system is fishing logbook based, identical to the system for vessels over 24 metres length overall and those under 24 metres if they fish outside the EEZs.

Information: None

- Remarks: -
- Remarks: -
- Remarks: -

3. Implementation of the data recording system for coastal fisheries (EEZ), for which coastal fisheries/fishing gears, the system is implemented (since 2016):

- Coastal longline
- Coastal pole and line (Baitboat)

Other types of coastal fisheries/fishing gears:

N/A

**4. Describe your coastal data recording system for the fisheries/fishing gears checked above:**

- The coastal data/catch recording system is fishing logbook based, identical to the system for vessels over 24 metres length overall and those under 24 metres if they fish outside the EEZs.

Other: N/A

## **Resolution 23/01 - On management of anchored fish aggregating devices (AFADs) – Marking of anchored fish aggregating devices.**



### **Obligation: AFADs to be marked in 2024 - Deadline: 23/1/2025**

#### **1. Did you implement the obligation?**

- NIL Report / Not Applicable - CPC has NO AFADs fishery fishing for tuna and tuna like species under the IOTC mandate in 2024 .

#### **2. A system or procedures exist to monitor and to ensure compliance with the obligation for vessels to only use AFADs permanently marked with a Unique National Identification (UNI) number : ?**

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

##### a. System or procedures to monitor compliance with IOTC binding measure

–

Describe : –

##### b. System or procedures to respond to instances of non-compliance

–

Describe: –

##### c. Actions in relation to potential infringements

–

Describe:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

#### **2. All anchored Fish Aggregating Devices are marked ?**

– Reasons : –

– Number of AFADs marked: –

– Number of AFADs marked: –

–

#### **3. Anchored Fish Aggregating Devices are marked, the national legislation obliges AFADs to be marked clearly and permanently with a Unique National Identification (UNI) number that identifies either the CPC or the vessel(s) that the AFAD belongs to ?**

– Format of the Unique National Identification (UNI): –

#### **AFAD marked provision in national legislation / ATF T&C ?**

No the –

#### **Reference of laws, regulations and administrative instructions in force related to this requirement ?**

–

#### **Comments/remarks about your submission and the implementation of this requirement ?**

–

## **2.6 Vessel Monitoring System**

### **Resolution 15/03 On the vessel monitoring system (VMS) programme**



## **Information required: Adoption of VMS for all vessels $\geq 24$ m and $< 24$ m fishing on the high seas / VMS report on implementation and technical failure in 2023 - Deadline: 30/6/2024**

**1. A system or procedures exist to monitor and to ensure compliance with the obligation for persons/vessels to install & operate a satellite-based vessel monitoring system (VMS):**

a. System or procedures to monitor compliance with IOTC binding measure

Describe: -

b. System or procedures to respond to instances of non-compliance

Describe: -

c. Actions in relation to potential infringements

Describe: -

**Adoption VMS for all vessels  $\geq 24$  m and  $< 24$  m fishing high seas**

**2. The national satellite-based vessel monitoring system has been adopted by law:**

- Year: -

**Report on the progress of implementation of VMS**

**3. VMS Reporting - Report on the progress of implementation and technical failures ?**

**4. Total number of national vessels equipped with VMS ?**

Vessels 24 m in length overall or above: -

Vessels less than 24 m operating outside the flag State EEZ: -

**National Fisheries Monitoring Centre (FMC) exists?**

**Technical failures recorded ?**

- NO - No technical failures in 2023 number -

**National legislation with provision of requirements/obligation under Resolution 15/03 ?**

No the -

**Reference of laws, regulations and administrative instructions in force related to this requirement:**

Marine Living Resources Act (18/1998)

**Comments/remarks about your submission and the implementation of this requirement ?**

## **2.7 Transhipment**

**Resolution 24/05 On establishing a programme for transhipment by large-scale fishing vessels**



## **2.8 Compliance of flag vessels**

**Resolution 16/07 On the use of artificial lights to attract fish**



**Prohibition to: Use surface or submerged artificial lights to attract fish in 2024 - Deadline: 23/1/2025**

**1. Did you implement the obligation ?**

- YES - Implemented

**2. A system or procedures exist to monitor and to ensure compliance with the prohibition i) from using/installing/operating surface/submerged artificial lights beyond territorial waters and ii) from intentionally conducting fishing activities around/near any vessel/DFAD equipped with artificial lights :**



- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe : As per large pelagic longline permit conditions - p52, The use, installing or operating surface or submerged artificial lights is prohibited

b. System or procedures to respond to instances of non-compliance

- Established in national law implemented by Government
- Established by national regulation implemented by Government

Describe:

14 VIOLATIONS

14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

14.2 A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

c. Actions in relation to potential infringements

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish
- Fine

Describe:

28. Cancellation and suspension of rights, licences and permits

(1) If a holder of any right, licence or permit in terms of this Act - (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be.

(2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision.

(3) When a matter is referred to the Minister in terms of subsection (2), the Minister may - (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

**2. The use of submerged artificial lights for the purpose of aggregating tuna and tuna-like species beyond territorial waters ?**

- Is implemented (ban) by national legislation

Since: 01/02/2017

- Since : -

- Reasons: -

**Information :**

NONE

**Provision for Prohibition to:** Use surface or submerged artificial lights to attract fish in national legislation / ATF T&C ?

No the -

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery

**Comments/remarks about your submission and the implementation of this requirement ?**

NONE

## **Resolution 16/08 On the prohibition of the use of aircrafts and unmanned aerial vehicles as fishing aids**



### **Prohibition to: Use aircrafts and unmanned aerial vehicles in 2024 - Deadline: 23/1/2025**

#### **1. Did you implement the obligation ?**

- YES - Implemented

#### **2. A system or procedures exist to monitor and to ensure compliance with the prohibition from using aircrafts and unmanned aerial vehicles as fishing aids:**

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

##### a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe : As per large pelagic longline permit conditions, p52 - Use of aircrafts and unmanned aerial vehicles as fishing aids is prohibited

##### b. System or procedures to respond to instances of non-compliance

- Established in national law implemented by Government
- Established by national regulation implemented by Government

Describe:

#### **14 VIOLATIONS**

14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

14.2 A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

##### c. Actions in relation to potential infringements

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish
- Fine

Describe:

#### **28. Cancellation and suspension of rights, licences and permits**

(1) If a holder of any right, licence or permit in terms of this Act - (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be.

(2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision.

(3) When a matter is referred to the Minister in terms of subsection (2), the Minister may - (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister;

(d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

### 3. The use of aircrafts and unmanned aerial vehicles as fishing aids ?

– Since: –

- Is implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since : 01/02/2017

– Reasons: –

**Information :**

NONE

**Provision for Prohibition to:** Use aircrafts and unmanned aerial vehicles - National legislation & ATF T&C ?

Yes the 05 February 2025 - 02:48

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery

**Comments/remarks about your submission and the implementation of this requirement ?**

NONE



## Resolution 11/02 Prohibition of fishing on data buoys

### **Prohibition from:** Intentionally fish within 1 nautical mile of or interact with data buoy in 2024 - **Deadline:** 23/1/2025

#### 1. Did you implement the obligation ?

- YES - Implemented

#### 2. A system or procedures exist to monitor and to ensure compliance with the prohibition of fishing vessels from intentionally fishing/interacting with data buoy:

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

##### a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe : Large pelagic longline permit conditions, p53 - Operators are prohibited from taking on board a data buoy and fishing on data buoy while engaged in fishing for tuna and tuna-like species in the IOTC area of competence.

##### b. System or procedures to respond to instances of non-compliance

- Established by national regulation implemented by Government
- Established in administrative orders implemented by Government

Describe: Operators are prohibited from taking on board a data buoy and fishing on data buoy while engaged in fishing for tuna and tuna-like species in the IOTC area of competence.

##### c. Actions in relation to potential infringements

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish
- Fine

Describe:

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for

a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

### 3. Intentionally fishing within 1 nautical mile of or interacting with data buoy:

- Is banned by national legislation

Since: 2022

- Is implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since: 2022

– Reasons: –

#### Additional information on the implementation of this obligation :

Operators are prohibited from taking on board a data buoy and fishing on data buoy while engaged in fishing for tuna and tuna-like species in the IOTC area of competence.

**National legislation and ATF T&C with provision to prohibit fishing vessels from intentionally fishing within one nautical mile of or interacting with a data buoy in the IOTC area of competence - Resolution 11/02 (2) ?**

Yes the 05 February 2025 - 03:10

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

Large Pelagic Longline Permit Conditions

**Comments/remarks about your submission and the implementation of this requirement ?**

NONE

## **Prohibition from: Taking on board a data buoy in 2024 - Deadline: 23/1/2025**

### 1. Did you implement the obligation ?

- YES - Implemented

### 2. A system or procedures exist to monitor and to ensure compliance with the *prohibition of fishing vessels to take onboard data buoy* :

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

#### a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe : Large pelagic longline permit conditions, p53 - Operators are prohibited from taking on board a data buoy and fishing on data buoy while engaged in fishing for tuna and tuna-like species in the IOTC area of competence.

#### b. System or procedures to respond to instances of non-compliance

- Established in national law implemented by Government
- Established by national regulation implemented by Government

Describe: Large pelagic longline permit conditions, p53 - Operators are prohibited from taking on board a data buoy and fishing on data buoy while engaged in fishing for tuna and tuna-like species in the IOTC area of competence.

#### c. Actions in relation to potential infringements

- Suspend/cancel/revoke a licence/ATF

- Forfeiture of property such as vessel, gear, and fish
- Fine

Describe:

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its

contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

### 3. Taking on board a data buoy:

– Since –

- Is implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since 2022

– Reasons –

Additional information on the implementation of this obligation :

NONE

**National legislation and ATF T&C with provision to prohibit fishing vessels from taking on board a data buoy while engaged in fishing for tuna and tuna-like species in the IOTC area of competence - Resolution 11/02 (3) ?**

No the –

Reference of laws, regulations and administrative instructions in force related to this requirement ?

Large pelagic longline permit conditions, p53

Comments/remarks about your submission and the implementation of this requirement ?

NONE

## **Resolution 19/03 On the conservation of Mobulid rays caught in association with fisheries in the IOTC Area of Competence**



### **Prohibition to: intentionally setting any gear type on Mobulid rays in 2024 - Deadline: 23/1/2025**

#### 1. Did you implement the obligation ?

- YES - Implemented

#### 2. A system or procedures exist to monitor and to ensure compliance with the *Prohibition of intentionally setting any gear type on Mobulid rays*:

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

##### a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

**Describe :**

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery - Annexure 9 (pg51) and Annexure 6 (pg38):

**APPLICABLE CONSERVATION MANAGEMENT MEASURES AS ADOPTED BY VARIOUS TUNA REGIONAL FISHERIES MANAGEMENT ORGANISATIONS**

"Vessel(s) is/are prohibited from intentionally setting any gear type for targeted fishing of mobulid rays in the IOTC Area of Competence, if the animal is sighted prior to commencement of the set.

Vessel(s) shall not retain onboard, transshipping, landing, storing, any part or whole carcass of mobulid rays caught in the IOTC Area of Competence."

**b. System or procedures to respond to instances of non-compliance**

- Established in national law implemented by Government
- Established by national regulation implemented by Government

**Describe:**

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery:

**14 VIOLATIONS**

14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

14.2 A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

14.7 The Department may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

**c. Actions in relation to potential infringements**

- Forfeiture of property such as vessel, gear, and fish
- Fine

**Describe:**

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

**3. The Prohibition of intentionally setting any gear type on Mobulid rays:**

- Is implemented (ban) by national legislation

Since: 01/03/2020

– Since: –

– Resaons: –

**National legislation and ATF T&C with provision to prohibit all flagged vessels from intentionally setting any gear type for targeted fishing of mobulid rays in the IOTC Area of Competence - Resolution 19/03 (2) ?**

Yes the 22 January 2025 - 14:39

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998)

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery.

**Comments/remarks about your submission and the implementation of this requirement ?**

NONE

**Resolution 17/05 On the conservation of sharks caught in association with fisheries managed by IOTC**



## **Prohibition to: fin sharks in 2024 - Deadline: 23/1/2025**

### **1. Did you implement the obligation ?**

- YES - Implemented

### **2. A system or procedures exist to monitor and to ensure compliance with the *Prohibition of shark finning* :**

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

#### **a. System or procedures to monitor compliance with IOTC binding measure**

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

**Describe :** Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector (pg 50), Fins may not be removed from shark trunks. Fins to be kept naturally attached or tethered via cord. For the items selected above, the monitoring of flag vessels compliance is conducted by system/tool/personnel used by Monitoring Control and Surveillance (MCS) section of Department of Forestry, Fisheries and the Environment (DFFE), they are: Inspection, fishing logbook, observer, VMS. These allow the Department, MCS section to conduct continuous monitoring of the fleets to ensure compliance with the Prohibition on shark finning. Implementation of those tools are governed by the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Uploaded in section legal obligation below).

#### **b. System or procedures to respond to instances of non-compliance**

- Implementation of corrective/preventative actions to prevent recurrence of non-compliance & infringements
- Implementation of responses to non-compliance & infringements to ensure prompt control and remediation

**Describe:** Response to non-compliance with the Prohibition on shark finning is implemented by DFFE MCS section by enforcing: A) The Marine Living Resources Act 1998: CHAPTER 6 - LAW ENFORCEMENT 53. Seizure of vessels, 54. Seizure of vehicles or aircraft, 55. Immobilisation of vessels, vehicles or aircraft, 58. Offences and penalties, 64. Treatment of things detained or seized, 68. Forfeiture orders by court, 71. Documentary evidence, 73. Certificate as to location of vessel, 75. Photographic evidence); and B) The Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Section 14. On Violations). Response to non-compliance may lead to the action(s) mentioned in 1c below.

#### **c. Actions in relation to potential infringements**

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish

**Describe:**

Actions in relation to potential infringements, when proven, can be taken by the Department of Forestry, Fisheries and the Environment under the provisions in the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024. Large Pelagic Longline Fishery Fishing Season 2023-2024 - 14. Violations 14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings which may include section 28 of the MLRA proceedings and/or criminal proceedings). 14.2 A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

#### **MLRA - PART 4: GENERAL LOCAL MATTERS - 28. Cancellation and suspension of rights, licences and permits**

28. (1) If a holder of any right, licence or permit in terms of this Act— (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be. (2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder

in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection (2), the Minister may— (a) revoke the right, licence or permit;(b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit. (4) Notwithstanding the provisions of subsections (1), (2) and (3), the Minister may, whenever he or she is of the opinion that it is in the interests of the promotion, protection or utilisation on a sustainable basis of a particular marine living resource, at any time by written notice to the holder of a right, licence or permit, revoke, suspend, cancel or reduce that right, licence or permit. MLRA - CHAPTER 6 LAW ENFORCEMENT Seizure of vessels - Articles 53 53. (1) Where any vessel is seized in terms of section 51, the master and crew thereof shall take the vessel to such place, port or harbour in the territory of the Republic as the fishery control officer shall require and the vessel may be detained pending the outcome of any proceedings in terms of this Act until it is released on payment or lodging of security in terms of section 62. (2) If a master fails or refuses to take a vessel contemplated in subsection (1) to the designated place, port or harbour, a fishery control officer may take charge of the vessel for the purpose of taking it to the designated place, port or harbour.

#### **MLRA - CHAPTER 7 JUDICIAL MATTERS - Articles 58, 68 - Offences and penalties**

58. (1) Any person who, subject to the provisions of subsections (2) or (3)—(a) undertakes fishing or related activities in contravention of— (i) a provision of section 13; (ii) the conditions of any right of access, other right, licence or permit granted or issued in terms of Part 1, 2 or 3 of Chapter 3; or (iii) an authorisation to undertake fishing or related activities in terms of Part 6 or 7 of Chapter 3, but excluding section 39(5); or (b) contravenes any other provision of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding two million rand, or to imprisonment for a period not exceeding five years. (2) Any person who contravenes— (a) a provision of an international conservation and management measure inside or outside South African waters, or otherwise fails to comply with any provision of Part 7 of Chapter 3, by means of a vessel registered in the Republic; or (b) the conditions imposed in a high seas fishing permit or high seas fishing vessel licence, shall be guilty of an offence and liable on conviction to a fine not exceeding three million rand. (3) Any person who contravenes a provision of section 39(5), 45, 47, 48 or 49 shall be guilty of an offence and liable on conviction to a fine not exceeding five million rand. (4) A regulation made under this Act may provide that a person who contravenes or fails to comply with a provision thereof, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years. Forfeiture orders by court 68. (1) If any person is convicted of an offence in terms of this Act, the court may, in addition to any other penalty, order that any fishing vessel, together with its gear, equipment, any fish caught unlawfully or the proceeds of sale of such fish or any perishables, and any vehicle or aircraft used or involved in the commission of that offence be forfeited to the State. (2) If any vessel, vehicle, aircraft or other thing seized in terms of this Act, or any security or net proceeds of sale in respect thereof is not forfeited or applied in the discharge of any fine, order for costs or penalty imposed in terms of this Act, it shall be made available to the registered owner or his or her nominee or, in the absence of such persons, a person who appears to be entitled to it. (3) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, an order for forfeiture shall, unless the court for special reasons fixes a smaller sum, operate as an order for forfeiture of the security. (4) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, the court may order any person convicted of an offence in connection therewith and the owner of the vessel, vehicle, aircraft or other thing concerned, whether or not he or she is an accused, to pay the difference between the amount lodged in respect of security and the aggregate value of the forfeited property.

### **3. Sharks landed fresh: the removal of shark fins on board vessels, the landing, retention on-board, transshipment and carrying of shark fins which are not naturally attached to the shark carcass until the first point of landing:**

- Is implemented (ban) by national legislation

Since: 2013

- Is implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since: 2013

– Reasons: –

Additional information on the implementation of this obligation :

Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector (pg 50), Fins may not be removed from shark trunks. Fins to be kept naturally attached or tethered via cord.

### **4. Sharks landed frozen: CPCs that do not apply sub-paragraph 3 a) for all sharks shall require their vessels to not have on board fins that total more than 5% of the weight of sharks on board, up to the first point of landing:**

- Is implemented (ban) by national legislation

Since: 2013

- Is implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since: 2013

– Reasons: –

Additional information on the implementation of this obligation :

MLRA Act 1998 and the Regulations promulgated thereunder

Permit Conditions: Large Pelagic Longline Fishery 1 March 2023 - 29 February 2024



**National legislation and ATF T&C With provision for Prohibition of shark finning ?**

Yes the 22 January 2025 - 14:42

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector (pg 50), Fins may not be removed from shark trunks. Fins to be kept naturally attached or tethered via cord.

**Resolution 12/09 On the conservation of thresher sharks (family *Alopiidae*) caught in association with fisheries in the IOTC area of competence****Prohibition to: retain onboard, tranship, land, store, sell thresher sharks of all the species of the family *Alopiidae* in 2024 - Deadline: 23/1/2025****1. Did you implement the obligation ?1. Avez-vous mis en œuvre l'obligation ?**

- YES - Implemented

**2. A system or procedures exist to monitor and to ensure compliance of flag vessels with the prohibition from retaining on board, transhipping, landing, storing, selling or offering for sale any part or whole carcass of thresher sharks of all the species of the family *Alopiidae*:**

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

**a. System or procedures to monitor compliance with IOTC binding measure**

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

**Describe :**

6.2 Resolution 12/09 On the conservation of thresher sharks (family *Alopiidae*) caught in association with fisheries in the IOTC area of competence - Prohibition on thresher sharks of all the species of the family *Alopiidae*

Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector. Section 6: Catch Controls and Limitations: Thresher sharks belonging to the genus *Alopias*, hammerhead sharks (belonging to genus *Sphyrna*), oceanic whitetip sharks, porbeagle sharks, dusky sharks and silky sharks shall not be retained on board the vessel. In the event of capture, the Permit Holder shall encourage the crew to implement live release handling procedures for mobulids, threshers, hammerhead sharks, dusky and silky sharks as detailed in <https://sharkattackcampaign.co.za/wp-content/uploads/2022/08/Commercial-Fisheries-HandlingGuidelines-Sharks.pdf> (pg 50), On the conservation of sharks caught in association with fisheries managed by IOTC. Hammerhead sharks (belonging to genus *Sphyrna*), oceanic whitetip sharks, porbeagle sharks, dusky sharks and silky sharks shall not be retained on board the vessel. Fins may not be removed from the shark trunks (i.e. headed, gutted).

For the items selected above, the monitoring of flag vessels compliance is conducted by system/tool/personnel used by Monitoring Control and Surveillance (MCS) section of Department of Forestry, Fisheries and the Environment (DFFE), they are: Inspection, fishing logbook, observer, VMS. These allow the Department, MCS section to conduct continuous monitoring of the fleets to ensure compliance with the Prohibition to: retain onboard, tranship, land, store, sell thresher sharks of all the species of the family *Alopiidae*.

Implementation of those tools are governed by the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Uploaded in section legal obligation below).

**b. System or procedures to respond to instances of non-compliance**

- Established in national law implemented by Government

**Describe:**

- Established in national law implemented by Government

**c. Actions in relation to potential infringements**

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish

- Fine
- Other sanctions (specify below)

**Describe:**

Actions in relation to potential infringements, when proven, can be taken by the Department of Forestry, Fisheries and the Environment under the provisions in the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024.

**Large Pelagic Longline Fishery Fishing Season 2023-2024 - 14. Violations**

**14.1** A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings which may include section 28 of the MLRA proceedings and/or criminal proceedings).

**14.2** A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

**MLRA - PART 4: GENERAL LOCAL MATTERS - 28. Cancellation and suspension of rights, licences and permits**

**28. (1)** If a holder of any right, licence or permit in terms of this Act— (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the

Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be.

**(2)** The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision.

**(3)** When a matter is referred to the Minister in terms of subsection (2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

**(4)** Notwithstanding the provisions of subsections (1), (2) and (3), the Minister may, whenever he or she is of the opinion that it is in the interests of the promotion, protection or utilisation on a sustainable basis of a particular marine living resource, at any time by written notice to the holder of a right, licence or permit, revoke, suspend, cancel or reduce that right, licence or permit.

**MLRA - CHAPTER 6 LAW ENFORCEMENT Seizure of vessels - Articles 53**

**53. (1)** Where any vessel is seized in terms of section 51, the master and crew thereof shall take the vessel to such place, port or harbour in the territory of the Republic as the fishery control officer shall require and the vessel may be detained pending the outcome of any proceedings in terms of this Act until it is released on payment or lodging of security in terms of section 62.

**(2)** If a master fails or refuses to take a vessel contemplated in subsection (1) to the designated place, port or harbour, a fishery control officer may take charge of the vessel for the purpose of taking it to the designated place, port or harbour.

**MLRA - CHAPTER 7 JUDICIAL MATTERS - Articles 58, 68**

**Offences and penalties**

**58. (1)** Any person who, subject to the provisions of subsections (2) or (3)—(a) undertakes fishing or related activities in contravention of— (i) a provision of section 13; (ii) the conditions of any right of access, other right, licence or permit granted or issued in terms of Part 1, 2 or 3 of Chapter 3; or (iii) an authorisation to undertake fishing or related activities in terms of Part 6 or 7 of Chapter 3, but excluding section 39(5); or (b) contravenes any other provision of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding two million rand, or to imprisonment for a period not exceeding five years.

**(2)** Any person who contravenes— (a) a provision of an international conservation and management measure inside or outside South African waters, or otherwise fails to comply with any provision of Part 7 of Chapter 3, by means of a vessel registered in the Republic; or (b) the conditions imposed in a high seas fishing permit or high seas fishing vessel licence, shall be guilty of an offence and liable on conviction to a fine not exceeding three million rand.

**(3)** Any person who contravenes a provision of section 39(5), 45, 47, 48 or 49 shall be guilty of an offence and liable on conviction to a fine not exceeding five million rand.

**(4)** A regulation made under this Act may provide that a person who contravenes or fails to comply with a provision thereof, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

**Forfeiture orders by court**

**68. (1)** If any person is convicted of an offence in terms of this Act, the court may, in addition to any other penalty, order that any fishing vessel, together with its gear, equipment, any fish caught unlawfully or the proceeds of sale of such fish or any perishables,

and any vehicle or aircraft used or involved in the commission of that offence be forfeited to the State.

**(2)** If any vessel, vehicle, aircraft or other thing seized in terms of this Act, or any security or net proceeds of sale in respect thereof is not forfeited or applied in the discharge of any fine, order for costs or penalty imposed in terms of this Act, it shall be made available to the registered owner or his or her nominee or, in the absence of such persons, a person who appears to be entitled to it.

(3) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, an order for forfeiture shall, unless the court for special reasons fixes a smaller sum, operate as an order for forfeiture of the security.

(4) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, the court may order any person convicted of an offence in connection therewith and the owner of the vessel, vehicle, aircraft or other thing concerned, whether or not he or she is an accused, to pay the difference between the amount lodged in respect of security and the aggregate value of the forfeited property.

### **3. Retaining on board, transshipping, landing, storing, selling or offering for sale any part or whole carcass of thresher sharks of all the species of the family *Alopiidae* ?**

- Is implemented (ban) by national legislation

Since: 2013

- Is implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since: 2013

– Raisons: –

**National legislation and ATF T&C With provision for the prohibition from retaining on board, transshipping, landing, storing, selling or offering for sale any part or whole carcass of thresher sharks of all the species of the family *Alopiidae* ?**

Yes the 22 January 2025 - 14:52

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

MLRA Act 1998 and the Regulations promulgated thereunder

Permit Conditions: Large Pelagic Longline Fishery 1 March 2023 - 29 February 2024

## **Resolution 13/06 On a scientific and management framework on the conservation of shark species caught in association with IOTC managed fisheries**



### **Prohibition to: retain onboard, tranship, land, store, sell oceanic whitetip sharks in 2024 - Deadline: 23/1/2025**

#### **1. Did you implement the obligation ?**

- YES - Implemented

#### **2. A system or procedures exist to monitor and to ensure compliance of South Africa flag vessels with the prohibition on oceanic whitetip sharks :**

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

##### **a. System or procedures to monitor compliance with IOTC binding measure**

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe : Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector. Section 6: Catch Controls and Limitations: Thresher sharks belonging to the genus *Alopias*, hammerhead sharks (belonging to genus *Sphyrna*), oceanic whitetip sharks, porbeagle sharks, dusky sharks and silky sharks shall not be retained on board the vessel. In the event of capture, the Permit Holder shall encourage the crew to implement live release handling procedures for mobulids, threshers, hammerhead sharks, dusky and silky sharks as detailed in <https://sharkattackcampaign.co.za/wp-content/uploads/2022/08/Commercial-Fisheries-HandlingGuidelines-Sharks.pdf> (pg 50), On the conservation of sharks caught in association with fisheries managed by IOTC. Hammerhead sharks (belonging to genus *Sphyrna*), oceanic whitetip sharks, porbeagle sharks, dusky sharks and silky sharks shall not be retained on board the vessel. Fins must remain naturally attached or tethered. For the items selected above, the monitoring of flag vessels compliance is conducted by system/tool/personnel used by Monitoring Control and Surveillance (MCS) section of Department of Forestry, Fisheries and the Environment (DFFE), they are: Inspection, fishing logbook, observer, VMS. These allow the Department, MCS section to conduct continuous monitoring of the fleets to ensure compliance with the Prohibition to: retain onboard, tranship, land, store, sell thresher sharks of all the species of the family *Alopiidae*. Implementation of those tools are governed by the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Uploaded in section legal obligation below).

##### **b. System or procedures to respond to instances of non-compliance**

- Established in national law implemented by Government

**Describe:** Response to non-compliance with the following prohibition on Thresher sharks belonging to the genus *Alopias*, hammerhead sharks (belonging to genus *Sphyrna*), oceanic whitetip sharks, porbeagle sharks, dusky sharks and silky sharks shall not be retained on board the vessel by DFFE MCS section by enforcing: A) The Marine Living Resources Act 1998: CHAPTER 6 - LAW ENFORCEMENT 53. Seizure of vessels, 54. Seizure of vehicles or aircraft, 55. Immobilisation of vessels, vehicles or aircraft, 58. Offences and penalties, 64. Treatment of things detained or seized, 68. Forfeiture orders by court, 71. Documentary evidence, 73. Certificate as to location of vessel, 75. Photographic evidence); and B) The Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Section 14. On Violations). Response to non-compliance may lead to the action(s) mentioned in 1c below.

**c. Actions in relation to potential infringements**

- Suspend/cancel/revoke a licence/ATF
- Prohibition of fishing for a determined period
- Fine
- Other sanctions (specify below)

**Describe:**

Actions in relation to potential infringements, when proven, can be taken by the Department of Forestry, Fisheries and the Environment under the provisions in the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024. Large Pelagic Longline Fishery Fishing Season 2023-2024 - 14. Violations 14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings which may include section 28 of the MLRA proceedings and/or criminal proceedings). 14.2 A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

**MLRA - PART 4: GENERAL LOCAL MATTERS - 28. Cancellation and suspension of rights, licences and permits 28. (1)** If a holder of any right, licence or permit in terms of this Act— (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be. (2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection (2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit. (4) Notwithstanding the provisions of subsections (1), (2) and (3), the Minister may, whenever he or she is of the opinion that it is in the interests of the promotion, protection or utilisation on a sustainable basis of a particular marine living resource, at any time by written notice to the holder of a right, licence or permit, revoke, suspend, cancel or reduce that right, licence or permit. **MLRA - CHAPTER 6 LAW ENFORCEMENT Seizure of vessels - Articles 53 53. (1)** Where any vessel is seized in terms of section 51, the master and crew thereof shall take the vessel to such place, port or harbour in the territory of the Republic as the fishery control officer shall require and the vessel may be detained pending the outcome of any proceedings in terms of this Act until it is released on payment or lodging of security in terms of section 62. (2) If a master fails or refuses to take a vessel contemplated in subsection (1) to the designated place, port or harbour, a fishery control officer may take charge of the vessel for the purpose of taking it to the designated place, port or harbour.

**MLRA - CHAPTER 7 JUDICIAL MATTERS - Articles 58, 68 - Offences and penalties**

**58. (1)** Any person who, subject to the provisions of subsections (2) or (3)—(a) undertakes fishing or related activities in contravention of— (i) a provision of section 13; (ii) the conditions of any right of access, other right, licence or permit granted or issued in terms of Part 1, 2 or 3 of Chapter 3; or (iii) an authorisation to undertake fishing or related activities in terms of Part 6 or 7 of Chapter 3, but excluding section 39(5); or (b) contravenes any other provision of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding two million rand, or to imprisonment for a period not exceeding five years. (2) Any person who contravenes— (a) a provision of an international conservation and management measure inside or outside South African waters, or otherwise fails to comply with any provision of Part 7 of Chapter 3, by means of a vessel registered in the Republic; or (b) the conditions imposed in a high seas fishing permit or high seas fishing vessel licence, shall be guilty of an offence and liable on conviction to a fine not exceeding three million rand. (3) Any person who contravenes a provision of section 39(5), 45, 47, 48 or 49 shall be guilty of an offence and liable on conviction to a fine not exceeding five million rand. (4) A regulation made under this Act may provide that a person who contravenes or fails to comply with a provision thereof, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years. Forfeiture orders

by court 68. (1) If any person is convicted of an offence in terms of this Act, the court may, in addition to any other penalty, order that any fishing vessel, together with its gear, equipment, any fish caught unlawfully or the proceeds of sale of such fish or any perishables, and any vehicle or aircraft used or involved in the commission of that offence be forfeited to the State. (2) If any vessel, vehicle, aircraft or other thing seized in terms of this Act, or any security or net proceeds of sale in respect thereof is not forfeited or applied in the discharge of any fine, order for costs or penalty imposed in terms of this Act, it shall be made available to the registered owner or his or her nominee or, in the absence of such persons, a person who appears to be entitled to it. (3) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, an order for forfeiture shall, unless the court for special reasons fixes a smaller sum, operate as an order for forfeiture of the security. (4) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, the court may order any person convicted of an offence in connection therewith and the owner of the vessel, vehicle, aircraft or other thing concerned, whether or not he or she is an accused, to pay the difference between the amount lodged in respect of security and the aggregate value of the forfeited property.

### 3. Retaining onboard, transhipping, landing or storing any part or whole carcass of oceanic whitetip sharks:

- Is implemented (ban) by national legislation

Since: 2013

- Is implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since: 2013

– Raisons: –

**National legislation and ATF T&C With provision for prohibition on oceanic whitetip sharks ?**

Yes the 22 January 2025 - 14:54

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

MLRA Act 1998 and the Regulations promulgated thereunder

Permit Conditions: Large Pelagic Longline Fishery 1 March 2023 - 29 February 2024

**Additional information on the implementation of this obligation ?**

Marine Living Resources Act, 1998 and the Regulations promulgated thereunder.

## **Resolution 19/03 On the conservation of mobulid rays caught in association with fisheries in the IOTC area of competence**



## **Prohibition to: retain onboard, tranship, land, store mobulid rays in 2024 - Deadline: 23/1/2025**

### 1. Did you implement the obligation ?

- YES - Implemented

### 2. A system or procedures exist to monitor and to ensure compliance of South Africa flag vessels with the prohibition of retaining onboard, transhipping, landing, storing, any part or whole carcass of mobulid rays caught in the IOTC Area of Competence :

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

#### a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe : Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector. Annexure 9 (pg50). Vessel(s) is/are prohibited from intentionally setting any gear type for targeted fishing of mobulid rays in the IOTC Area of Competence, if the animal is sighted prior to commencement of the set. For the items selected above, the monitoring of flag vessels compliance is conducted by system/tool/personnel used by Monitoring Control and Surveillance (MCS) section of Department of Forestry, Fisheries and the Environment (DFFE), they are: Inspection, fishing logbook, observer, VMS. These allow the Department, MCS section to conduct continuous monitoring of the fleets to ensure compliance with the Prohibition to retain onboard, tranship, land, store mobulid rays Implementation of those tools are governed by the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Uploaded in section legal obligation below).

#### b. System or procedures to respond to instances of non-compliance

- Established in national law implemented by Government
- Established in administrative orders implemented by Government
- Implementation of corrective/preventative actions to prevent recurrence of non-compliance & infringements

**Describe:** Response to non-compliance with the following prohibition on mobulids by DFFE MCS section by enforcing: A) The Marine Living Resources Act 1998: CHAPTER 6 - LAW ENFORCEMENT 53. Seizure of vessels, 54. Seizure of vehicles or aircraft, 55. Immobilisation of vessels, vehicles or aircraft, 58. Offences and penalties, 64. Treatment of things detained or seized, 68. Forfeiture orders by court, 71. Documentary evidence, 73. Certificate as to location of vessel, 75. Photographic evidence); and B) The Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Section 14. On Violations). Response to non-compliance may lead to the action(s) mentioned in 1c below.

**c. Actions in relation to potential infringements**

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish
- Fine
- Other sanctions (specify below)

**Describe:**

Actions in relation to potential infringements, when proven, can be taken by the Department of Forestry, Fisheries and the Environment under the provisions in the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024. Large Pelagic Longline Fishery Fishing Season 2023-2024 - 14. Violations 14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings which may include section 28 of the MLRA proceedings and/or criminal proceedings). 14.2 A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

**MLRA - PART 4: GENERAL LOCAL MATTERS**

**28. Cancellation and suspension of rights, licences and permits 28. (1) If a holder of any right, licence or permit in terms of this Act— (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be. (2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection (2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit. (4) Notwithstanding the provisions of subsections (1), (2) and (3), the Minister may, whenever he or she is of the opinion that it is in the interests of the promotion, protection or utilisation on a sustainable basis of a particular marine living resource, at any time by written notice to the holder of a right, licence or permit, revoke, suspend, cancel or reduce that right, licence or permit. MLRA - CHAPTER 6 LAW ENFORCEMENT Seizure of vessels - Articles 53 53. (1) Where any vessel is seized in terms of section 51, the master and crew thereof shall take the vessel to such place, port or harbour in the territory of the Republic as the fishery control officer shall require and the vessel may be detained pending the outcome of any proceedings in terms of this Act until it is released on payment or lodging of security in terms of section 62. (2) If a master fails or refuses to take a vessel contemplated in subsection (1) to the designated place, port or harbour, a fishery control officer may take charge of the vessel for the purpose of taking it to the designated place, port or harbour.**

**MLRA - CHAPTER 7 JUDICIAL MATTERS - Articles 58, 68 - Offences and penalties**

58. (1) Any person who, subject to the provisions of subsections (2) or (3)—(a) undertakes fishing or related activities in contravention of— (i) a provision of section 13; (ii) the conditions of any right of access, other right, licence or permit granted or issued in terms of Part 1, 2 or 3 of Chapter 3; or (iii) an authorisation to undertake fishing or related activities in terms of Part 6 or 7 of Chapter 3, but excluding section 39(5); or (b) contravenes any other provision of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding two million rand, or to imprisonment for a period not exceeding five years. (2) Any person who contravenes— (a) a provision of an international conservation and management measure inside or outside South African waters, or otherwise fails to comply with any provision of Part 7 of Chapter 3, by means of a vessel registered in the Republic; or (b) the conditions imposed in a high seas fishing permit or high seas fishing vessel licence, shall be guilty of an offence and liable on conviction to a fine not exceeding three million rand. (3) Any person who contravenes a provision of section 39(5), 45, 47, 48 or 49 shall be guilty of an offence and liable on conviction to a fine not exceeding five million rand. (4) A regulation made under this Act may provide that a person who contravenes or fails to comply with a provision thereof, shall be

guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years. Forfeiture orders by court 68. (1) If any person is convicted of an offence in terms of this Act, the court may, in addition to any other penalty, order that any fishing vessel, together with its gear, equipment, any fish caught unlawfully or the proceeds of sale of such fish or any perishables, and any vehicle or aircraft used or involved in the commission of that offence be forfeited to the State. (2) If any vessel, vehicle, aircraft or other thing seized in terms of this Act, or any security or net proceeds of sale in respect thereof is not forfeited or applied in the discharge of any fine, order for costs or penalty imposed in terms of this Act, it shall be made available to the registered owner or his or her nominee or, in the absence of such persons, a person who appears to be entitled to it. (3) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, an order for forfeiture shall, unless the court for special reasons fixes a smaller sum, operate as an order for forfeiture of the security. (4) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, the court may order any person convicted of an offence in connection therewith and the owner of the vessel, vehicle, aircraft or other thing concerned, whether or not he or she is an accused, to pay the difference between the amount lodged in respect of security and the aggregate value of the forfeited property.

### **3. Retaining onboard, transshipping, landing, storing, any part or whole carcass of mobulid rays caught in the IOTC Area of Competence:**

- Is implemented (ban) by national legislation

Since: 2020

- Is implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since: 2020

– Reasons: –

**National legislation and ATF T&C With provision for the prohibition of retaining onboard, transshipping, landing, storing, any part or whole carcass of mobulid rays caught in the IOTC Area of Competence ?**

Yes the 22 January 2025 - 14:55

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

MLRA Act 1998 and the Regulations promulgated thereunder

Permit Conditions: Large Pelagic Longline Fishery 1 March 2023 - 29 February 2024

**Additional information on the implementation of this obligation ?**

Marine Living Resources Act, 1998 and the Regulations promulgated thereunder.

## **Prohibition to: gaff, lift by the gill slits/spiracles, punch holes through the bodies of mobulid rays in 2024 - Deadline: 23/1/2025**

**1. Did you implement the obligation ?**

- YES - Implemented

**2. A system or procedures exist to monitor and to ensure compliance of South Africa flag vessels with:**

- **The prohibition to gaff, lift by the gill slits/spiracles, punch holes through the bodies of mobulid rays**
- **The obligation to release alive, implement of live release handling procedures of mobulid rays**
- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

**Describe :** Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector (pg 8), Catch control and limitations (Section 6). It is prohibited to gaff, lift by the gill slits/ spiracles or punch holes through the bodies of prohibited species. Annexure 9. (pg 50). Vessel(s) is/are prohibited from intentionally setting any gear type for targeted fishing of mobulid rays in the IOTC Area of Competence, if the animal is sighted prior to commencement of the set. Vessel(s) shall not retain onboard, transshipping, landing, storing, any part or whole carcass of mobulid rays caught in the IOTC Area of Competence. For the items selected above, the monitoring of flag vessels compliance is conducted by system/tool/personnel used by Monitoring Control and Surveillance (MCS) section of Department of Forestry, Fisheries and the Environment (DFFE), they are: Inspection, fishing logbook, observer, VMS. These allow the Department, MCS section to conducts continuous monitoring of the fleets to ensure compliance with prohibition to gaff, lift by the gill slits/ spiracles, punch holes through the bodies & obligation to release alive, implementation of live release handling procedures of

mobulid rays. Implementation of those tools are governed by the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Uploaded in section legal obligation below).

b. System or procedures to respond to instances of non-compliance

- Established in national law implemented by Government
- Established by national regulation implemented by Government

**Describe:** Response to non-compliance with the following prohibition on mobulids by DFFE MCS section by enforcing: A) The Marine Living Resources Act 1998: CHAPTER 6 - LAW ENFORCEMENT 53. Seizure of vessels, 54. Seizure of vehicles or aircraft, 55. Immobilisation of vessels, vehicles or aircraft, 58. Offences and penalties, 64. Treatment of things detained or seized, 68. Forfeiture orders by court, 71. Documentary evidence, 73. Certificate as to location of vessel, 75. Photographic evidence); and B) The Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Section 14. On Violations). Response to non-compliance may lead to the action(s) mentioned in 1c below.

c. Actions in relation to potential infringements

- Other sanctions (specify below)

**Describe:**

Actions in relation to potential infringements, when proven, can be taken by the Department of Forestry, Fisheries and the Environment under the provisions in the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024. Large Pelagic Longline Fishery Fishing Season 2023-2024 - 14. Violations 14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings which may include section 28 of the MLRA proceedings and/or criminal proceedings). 14.2 A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

MLRA - PART 4: GENERAL LOCAL MATTERS - 28. Cancellation and suspension of rights, licences and permits 28. (1) If a holder of any right, licence or permit in terms of this Act— (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be. (2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection (2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit. (4) Notwithstanding the provisions of subsections (1), (2) and (3), the Minister may, whenever he or she is of the opinion that it is in the interests of the promotion, protection or utilisation on a sustainable basis of a particular marine living resource, at any time by written notice to the holder of a right, licence or permit, revoke, suspend, cancel or reduce that right, licence or permit. MLRA - CHAPTER 6 LAW ENFORCEMENT Seizure of vessels - Articles 53 53. (1) Where any vessel is seized in terms of section 51, the master and crew thereof shall take the vessel to such place, port or harbour in the territory of the Republic as the fishery control officer shall require and the vessel may be detained pending the outcome of any proceedings in terms of this Act until it is released on payment or lodging of security in terms of section 62. (2) If a master fails or refuses to take a vessel contemplated in subsection (1) to the designated place, port or harbour, a fishery control officer may take charge of the vessel for the purpose of taking it to the designated place, port or harbour.

MLRA - CHAPTER 7 JUDICIAL MATTERS - Articles 58, 68

Offences and penalties

58. (1) Any person who, subject to the provisions of subsections (2) or (3)—(a) undertakes fishing or related activities in contravention of— (i) a provision of section 13; (ii) the conditions of any right of access, other right, licence or permit granted or issued in terms of Part 1, 2 or 3 of Chapter 3; or (iii) an authorisation to undertake fishing or related activities in terms of Part 6 or 7 of Chapter 3, but excluding section 39(5); or (b) contravenes any other provision of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding two million rand, or to imprisonment for a period not exceeding five years. (2) Any person who contravenes— (a) a provision of an international conservation and management measure inside or outside South African waters, or otherwise fails to comply with any provision of Part 7 of Chapter 3, by means of a vessel registered in the Republic; or (b) the conditions imposed in a high seas fishing permit or high seas fishing vessel licence, shall be guilty of an offence and liable on conviction to a fine not exceeding three million rand. (3) Any person who contravenes a provision of section 39(5), 45, 47, 48 or 49 shall be guilty of an offence and liable on conviction to a fine not exceeding five million rand. (4) A regulation made under this Act may provide that a person who contravenes or fails to comply with a provision thereof, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years. Forfeiture orders



by court 68. (1) If any person is convicted of an offence in terms of this Act, the court may, in addition to any other penalty, order that any fishing vessel, together with its gear, equipment, any fish caught unlawfully or the proceeds of sale of such fish or any perishables, and any vehicle or aircraft used or involved in the commission of that offence be forfeited to the State. (2) If any vessel, vehicle, aircraft or other thing seized in terms of this Act, or any security or net proceeds of sale in respect thereof is not forfeited or applied in the discharge of any fine, order for costs or penalty imposed in terms of this Act, it shall be made available to the registered owner or his or her nominee or, in the absence of such persons, a person who appears to be entitled to it. (3) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, an order for forfeiture shall, unless the court for special reasons fixes a smaller sum, operate as an order for forfeiture of the security. (4) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, the court may order any person convicted of an offence in connection therewith and the owner of the vessel, vehicle, aircraft or other thing concerned, whether or not he or she is an accused, to pay the difference between the amount lodged in respect of security and the aggregate value of the forfeited property.

### 3. Gaffing, lifting by the gill slits/spiracles, punching holes through the bodies of mobulid rays:

- Is implemented (ban) by national legislation

Since: 2000

- Is implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since: 2000

– Reasons: –

Additional information on the implementation of this obligation:

MLRA Act 1998 and the Regulations promulgated thereunder

Permit Conditions: Large Pelagic Longline Fishery 1 March 2023 - 29 February 2024

Sector (pg 8), Catch control and limitations (Section 6). It is prohibited to gaff, lift by the gill slits/ spiracles or punch holes through the bodies of prohibited species. Annexure 9. (pg 50). Vessel(s) is/are prohibited from intentionally setting any gear type for targeted fishing of mobulid rays in the IOTC Area of Competence, if the animal is sighted prior to commencement of the set. Vessel(s) shall not retain onboard, transshipping, landing, storing, any part or whole carcass of mobulid rays caught in the IOTC Area of Competence

### 4. The obligation to release alive, implement live release handling procedures of mobulid rays:

- Is required by national legislation

Since: 2020

- Is implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since: 2020

– Reasons: –

Additional information on the implementation of this obligation:

MLRA Act 1998 and the Regulations promulgated thereunder

Permit Conditions: Large Pelagic Longline Fishery 1 March 2023 - 29 February 2024

Sector (pg 8), Catch control and limitations (Section 6). It is prohibited to gaff, lift by the gill slits/ spiracles or punch holes through the bodies of prohibited species. Annexure 9. (pg 50). Vessel(s) is/are prohibited from intentionally setting any gear type for targeted fishing of mobulid rays in the IOTC Area of Competence, if the animal is sighted prior to commencement of the set. Vessel(s) shall not retain onboard, transshipping, landing, storing, any part or whole carcass of mobulid rays caught in the IOTC Area of Competence

**National legislation and ATF T&C With provision on :**

- **The prohibition to gaff, lift by the gill slits/spiracles, punch holes through the bodies of mobulid rays**
- **The obligation to release alive, implement of live release handling procedures of mobulid rays ?**

No the –

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

MLRA Act 1998 and the Regulations promulgated thereunder

Permit Conditions: Large Pelagic Longline Fishery 1 March 2023 - 29 February 2024

**Additional information on the implementation of this obligation ?**

Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector (pg 8), Catch control and limitations (Section 6). It is prohibited to gaff, lift by the gill slits/ spiracles or punch holes through the bodies of prohibited species. Annexure 9. (pg 50). Vessel(s) is/are prohibited from intentionally setting any gear type for targeted fishing of mobulid rays in the IOTC Area of Competence, if the animal is sighted prior to commencement of the set. Vessel(s) shall not retain onboard, transshipping, landing, storing, any part or whole carcass of mobulid rays caught in the IOTC Area of Competence.



## **Resolution 12/04 On the conservation of marine turtles**

### **Obligation: Longline vessels to carry and employ line cutters and de-hookers on board in 2024 - Deadline: 23/1/2025**

#### **1. Did you implement the obligation ?**

- YES - Implemented

#### **2. A system or procedures exist to monitor and to ensure compliance of South Africa longline vessels with the obligation to carry and employ line cutters and de-hookers on board:**

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

##### **a. System or procedures to monitor compliance with IOTC binding measure**

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented
- Control & enforcement regime over vessels with monitoring tools, VMS, logbooks/documentation & compliance observers

**Describe :** Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector Annexure 4: Release Procedures (pg43-46): safe handling and release of sea turtles. For the items selected above, the monitoring of flag vessels compliance is conducted by system/tool/personnel used by Monitoring Control and Surveillance (MCS) section of Department of Forestry, Fisheries and the Environment (DFFE), they are: Inspection, fishing logbook, observer, VMS. These allow the Department's MCS section to conduct continuous monitoring of the fleets to ensure compliance with the obligation to have line cutters and de-hookers onboard. Implementation of those tools are governed by the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2024-2025 (Uploaded in section legal obligation below).

##### **b. System or procedures to respond to instances of non-compliance**

- Established in national law implemented by Government

**Describe:** Response to non-compliance with the following prohibition by DFFE MCS section by enforcing: A) The Marine Living Resources Act 1998: CHAPTER 6 - LAW ENFORCEMENT 53. Seizure of vessels, 54. Seizure of vehicles or aircraft, 55. Immobilisation of vessels, vehicles or aircraft, 58. Offences and penalties, 64. Treatment of things detained or seized, 68. Forfeiture orders by court, 71. Documentary evidence, 73. Certificate as to location of vessel, 75. Photographic evidence); and B) The Permit Conditions Large Pelagic Longline Fishery Fishing Season 2024-2025 (Section 14. On Violations). Response to non-compliance may lead to the action(s) mentioned in 1c below.

##### **c. Actions in relation to potential infringements**

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish

##### **Describe:**

Actions in relation to potential infringements, when proven, can be taken by the Department of Forestry, Fisheries and the Environment under the provisions in the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024. Large Pelagic Longline Fishery Fishing Season 2023-2024 - 14. Violations 14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings which may include section 28 of the MLRA proceedings and/or criminal proceedings). 14.2 A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

MLRA - PART 4: GENERAL LOCAL MATTERS - 28. Cancellation and suspension of rights, licences and permits 28. (1) If a holder of any right, licence or permit in terms of this Act— (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not

be revoked, suspended, cancelled, altered or reduced, as the case may be. (2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection (2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit. (4) Notwithstanding the provisions of subsections (1), (2) and (3), the Minister may, whenever he or she is of the opinion that it is in the interests of the promotion, protection or utilisation on a sustainable basis of a particular marine living resource, at any time by written notice to the holder of a right, licence or permit, revoke, suspend, cancel or reduce that right, licence or permit. MLRA - CHAPTER 6 LAW ENFORCEMENT Seizure of vessels - Articles 53 53. (1) Where any vessel is seized in terms of section 51, the master and crew thereof shall take the vessel to such place, port or harbour in the territory of the Republic as the fishery control officer shall require and the vessel may be detained pending the outcome of any proceedings in terms of this Act until it is released on payment or lodging of security in terms of section 62. (2) If a master fails or refuses to take a vessel contemplated in subsection (1) to the designated place, port or harbour, a fishery control officer may take charge of the vessel for the purpose of taking it to the designated place, port or harbour.

MLRA - CHAPTER 7 JUDICIAL MATTERS - Articles 58, 68

Offences and penalties

58. (1) Any person who, subject to the provisions of subsections (2) or (3)—(a) undertakes fishing or related activities in contravention of— (i) a provision of section 13; (ii) the conditions of any right of access, other right, licence or permit granted or issued in terms of Part 1, 2 or 3 of Chapter 3; or (iii) an authorisation to undertake fishing or related activities in terms of Part 6 or 7 of Chapter 3, but excluding section 39(5); or (b) contravenes any other provision of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding two million rand, or to imprisonment for a period not exceeding five years. (2) Any person who contravenes— (a) a provision of an international conservation and management measure inside or outside South African waters, or otherwise fails to comply with any provision of Part 7 of Chapter 3, by means of a vessel registered in the Republic; or (b) the conditions imposed in a high seas fishing permit or high seas fishing vessel licence, shall be guilty of an offence and liable on conviction to a fine not exceeding three million rand. (3) Any person who contravenes a provision of section 39(5), 45, 47, 48 or 49 shall be guilty of an offence and liable on conviction to a fine not exceeding five million rand. (4) A regulation made under this Act may provide that a person who contravenes or fails to comply with a provision thereof, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years. Forfeiture orders by court 68. (1) If any person is convicted of an offence in terms of this Act, the court may, in addition to any other penalty, order that any fishing vessel, together with its gear, equipment, any fish caught unlawfully or the proceeds of sale of such fish or any perishables, and any vehicle or aircraft used or involved in the commission of that offence be forfeited to the State. (2) If any vessel, vehicle, aircraft or other thing seized in terms of this Act, or any security or net proceeds of sale in respect thereof is not forfeited or applied in the discharge of any fine, order for costs or penalty imposed in terms of this Act, it shall be made available to the registered owner or his or her nominee or, in the absence of such persons, a person who appears to be entitled to it. (3) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, an order for forfeiture shall, unless the court for special reasons fixes a smaller sum, operate as an order for forfeiture of the security. (4) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, the court may order any person convicted of an offence in connection therewith and the owner of the vessel, vehicle, aircraft or other thing concerned, whether or not he or she is an accused, to pay the difference between the amount lodged in respect of security and the aggregate value of the forfeited property.

### 3. The obligation for all South Africa flag longline vessels to carry and employ line cutters and de-hookers on board:

- Is required/implemented by national legislation

Since: 01/01/2007

- Is required/implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since: 01/01/2007

– Reasons: –

**National legislation and ATF T&C With provision of the obligation to carry and employ line cutters and de-hookers on board ?**

No the –

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

Permit Conditions: Large Pelagic Longline Fishery 1 March 2024 - 29 February 2025

**Additional information on the implementation of this obligation ?**

None

**Obligation: Longline vessels to use mitigation measures south of 25°S in 2024 - Resolution 23/07 On reducing the incidental bycatch of seabirds in longline fisheries**  
**Deadline: 23/1/2025**



## 1. Did you implement the obligation ?

- YES - Implemented

## 2. A system or procedures exist to monitor and to ensure compliance with the obligation, for all longline vessels and persons, to use at least two of the three mitigation measures ?

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

### a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

**Describe :** Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector Annexure 3. Specifications of Seabird Mitigation procedures. For the items selected above, the monitoring of flag vessels compliance is conducted by system/tool/personnel used by Monitoring Control and Surveillance (MCS) section of Department of Forestry, Fisheries and the Environment (DFFE), they are: Inspection, fishing logbook, observer, VMS. These allow the Department, MCS section to conduct continuous monitoring of the fleets to ensure compliance with the seabird prohibition. Implementation of those tools are governed by the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Uploaded in section legal obligation below).

### b. System or procedures to respond to instances of non-compliance

- Established in national law implemented by Government

**Describe:** Response to non-compliance with the following prohibition by DFFE MCS section by enforcing: A) The Marine Living Resources Act 1998: CHAPTER 6 - LAW ENFORCEMENT 53. Seizure of vessels, 54. Seizure of vehicles or aircraft, 55. Immobilisation of vessels, vehicles or aircraft, 58. Offences and penalties, 64. Treatment of things detained or seized, 68. Forfeiture orders by court, 71. Documentary evidence, 73. Certificate as to location of vessel, 75. Photographic evidence); and B) The Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Section 14. On Violations). Response to non-compliance may lead to the action(s) mentioned in 1c below.

### c. Actions in relation to potential infringements

- Forfeiture of property such as vessel, gear, and fish

#### **Describe:**

Actions in relation to potential infringements, when proven, can be taken by the Department of Forestry, Fisheries and the Environment under the provisions in the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024. Large Pelagic Longline Fishery Fishing Season 2023-2024 - 14. Violations 14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings which may include section 28 of the MLRA proceedings and/or criminal proceedings). 14.2 A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

MLRA - PART 4: GENERAL LOCAL MATTERS - 28. Cancellation and suspension of rights, licences and permits 28. (1) If a holder of any right, licence or permit in terms of this Act— (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be. (2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection (2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit. (4) Notwithstanding the provisions of subsections (1), (2) and (3), the Minister may, whenever he or she is of the opinion that it is in the interests of the promotion, protection or utilisation on a sustainable basis of a particular marine living resource, at any time by written notice to the holder of a right, licence or permit, revoke, suspend, cancel or reduce that right, licence or permit. MLRA - CHAPTER 6 LAW ENFORCEMENT Seizure of vessels - Articles 53 53. (1) Where any vessel is seized in terms of section 51, the master and crew thereof shall take the vessel

to such place, port or harbour in the territory of the Republic as the fishery control officer shall require and the vessel may be detained pending the outcome of any proceedings in terms of this Act until it is released on payment or lodging of security in terms of section 62. (2) If a master fails or refuses to take a vessel contemplated in subsection (1) to the designated place, port or harbour, a fishery control officer may take charge of the vessel for the purpose of taking it to the designated place, port or harbour.

MLRA - CHAPTER 7 JUDICIAL MATTERS - Articles 58, 68

Offences and penalties

58. (1) Any person who, subject to the provisions of subsections (2) or (3)—(a) undertakes fishing or related activities in contravention of— (i) a provision of section 13; (ii) the conditions of any right of access, other right, licence or permit granted or issued in terms of Part 1, 2 or 3 of Chapter 3; or (iii) an authorisation to undertake fishing or related activities in terms of Part 6 or 7 of Chapter 3, but excluding section 39(5); or (b) contravenes any other provision of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding two million rand, or to imprisonment for a period not exceeding five years. (2) Any person who contravenes— (a) a provision of an international conservation and management measure inside or outside South African waters, or otherwise fails to comply with any provision of Part 7 of Chapter 3, by means of a vessel registered in the Republic; or (b) the conditions imposed in a high seas fishing permit or high seas fishing vessel licence, shall be guilty of an offence and liable on conviction to a fine not exceeding three million rand. (3) Any person who contravenes a provision of section 39(5), 45, 47, 48 or 49 shall be guilty of an offence and liable on conviction to a fine not exceeding five million rand. (4) A regulation made under this Act may provide that a person who contravenes or fails to comply with a provision thereof, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years. Forfeiture orders by court 68. (1) If any person is convicted of an offence in terms of this Act, the court may, in addition to any other penalty, order that any fishing vessel, together with its gear, equipment, any fish caught unlawfully or the proceeds of sale of such fish or any perishables, and any vehicle or aircraft used or involved in the commission of that offence be forfeited to the State. (2) If any vessel, vehicle, aircraft or other thing seized in terms of this Act, or any security or net proceeds of sale in respect thereof is not forfeited or applied in the discharge of any fine, order for costs or penalty imposed in terms of this Act, it shall be made available to the registered owner or his or her nominee or, in the absence of such persons, a person who appears to be entitled to it. (3) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, an order for forfeiture shall, unless the court for special reasons fixes a smaller sum, operate as an order for forfeiture of the security. (4) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, the court may order any person convicted of an offence in connection therewith and the owner of the vessel, vehicle, aircraft or other thing concerned, whether or not he or she is an accused, to pay the difference between the amount lodged in respect of security and the aggregate value of the forfeited property.

### 3. The obligation for all longline vessels to use at least two of the three mitigation measures ?

- Is required/implemented by national legislation

Since: 01/02/2018

- Is required/implemented by terms & conditions of authorisation to fish (ATF) with force of law

Since: 01/02/2018

– Reasons: –

#### National legislation and ATF T&C ?

Yes the 22 January 2025 - 14:57

#### Reference of laws, regulations and administrative instructions in force related to this requirement ?

Permit Conditions: Large Pelagic Longline Fishery 1 March 2023 - 29 February 2024

#### Additional information on the implementation of this obligation ?

Permit Conditions: Large Pelagic Longline Fishery 1 March 2023 - 29 February 2024

Marine Living Resources Act, 1998 and the Regulations

## **Resolution 18/05 On Management Measures for the Conservation of the Billfishes: Striped Marlin, Black Marlin, Blue Marlin and Indo-Pacific Sailfish**



**Prohibition to: Retain on board, tranship, land, striped marlin, black marlin, blue marlin, indo-pacific sailfish smaller than 60 cm lower jaw fork length in 2024 - Deadline: 23/1/2025**

### 1. Did you implement the obligation ?

- YES - Implemented

**2. A system or procedures exist to monitor and to ensure compliance of flag vessels with the prohibition to retain on board, tranship, land, any Striped Marlin, Black Marlin, Blue Marlin, and Indo-pacific Sailfish smaller than 60 cm Lower Jaw Fork Length:**

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

a. System or procedures to monitor compliance with IOTC binding measure

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe :

**6. CATCH CONTROLS AND LIMITATIONS**

6.3.(a) The catching of SBT (*Thunnus maccoyii*), with a mass of less than 6.4 kg, and Swordfish (*Xiphias gladius*) with a Lower Jaw Fork Length (LJFL) of less than 119 cm, Pectoral Fork Length (PFL) of less than 87cm or a Cleithrum to Keel (CK) measurement of less than 63 cm, and **marlins less than 60cm LJFL** or less than 90 cm PFL is prohibited. Refer to **Annexure 7** for images of length types. Any fish that does not comply with the size and weight restrictions and is not alive when retrieving the longline must be handed over to the Fisheries Control Officer upon return of the vessel to port. The FCO must be notified of the number of undersize fish 24 (twenty-four) hours prior to the vessel berthing.

b. System or procedures to respond to instances of non-compliance

- Established in national law implemented by Government
- Established by national regulation implemented by Government
- Established in administrative orders implemented by Government
- Maintain compliance/infringement records

Describe:

**Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery: 14 VIOLATIONS**

14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

14.2 A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

14.7 The Department may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

c. Actions in relation to potential infringements

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish
- Fine
- Other sanctions (specify below)

Describe:

**MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998) - 28. Cancellation and suspension of rights, licences and permits**

(1) If a holder of any right, licence or permit in terms of this Act - (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be.

(2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision.

(3) When a matter is referred to the Minister in terms of subsection (2), the Minister may - (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

### 3. The prohibition to retain on board, tranship, land, any Striped Marlin, Black Marlin, Blue Marlin, and Indo-pacific Sailfish smaller than 60 cm Lower Jaw Fork Length:

- Is implemented (ban) by national legislation

Since: 01/02/2019

– Since: dd/mm/yyyy

– Reasons: –

**National legislation and ATF T&C With provision for Prohibition to:** Retain on board, tranship, land, striped marlin, black marlin, blue marlin, indo-pacific sailfish smaller than 60 cm lower jaw fork length ?

No the –

**Reference of laws, regulations and administrative instructions in force related to this requirement ?**

**MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998)**

**Additional information on the implementation of this obligation ?**

Res 18/05's date of application was 4 October 2018. This Resolution was incorporated into the permit conditions of the Large pelagic Longline fishery at the start of the next season that commenced on 1 Feb 2019.

Annexure 9 (pg52): CPCs shall not retain on board, trans-ship, land, any specimen smaller than 60 cm Lower Jaw Fork Length (LJFL) of any of the species

**NOTE:** On 14 August 2003,

South Africa ratified the UNFish Stocks Agreement which call for implementation of Articles 10 & 14 related to cooperation and reporting to RFMOs.

[Part III - Mechanisms for international cooperation concerning straddling fish stocks and highly migratory fish stocks - **Article 10** - Functions of subregional and regional fisheries management organizations and arrangements: In fulfilling their obligation to cooperate through subregional or regional fisheries management organizations or arrangements, States shall: (a) agree on and comply with conservation and management measures to ensure the long-term sustainability of straddling fish stocks and highly migratory fish stocks; **Article 14** - Collection and provision of information and cooperation in scientific research. 2. States shall cooperate, either directly or through subregional or regional fisheries management organizations or arrangements: (a) to agree on the specification of data and the format in which they are to be provided to such organizations or arrangements, taking into account the nature of the stocks and the fisheries for those stocks].

## 2.9 Regional Observer Scheme

### Resolution 22/04 On a Regional observer scheme



### **Obligation: Mandatory 5% observer coverage at sea (all vessels) in 2023 - Deadline: 17/11/2024**

#### 1. Did you implement the obligation ?

- YES - Implemented

#### 2. A system or procedures exist to implement the at sea observer scheme, and the binding obligation of minimum observer coverage of 5% as defined by the number of operations/sets ?

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

##### a. System or procedures to monitor compliance with IOTC binding measure?

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe :

Large Pelagic Longline permit conditions:

16. Observer Programme

16.1. The Department shall require each Permit Holder to carry one or more Scientific Observers on board its vessel on request (72 hours), a minimum of one per quarter so as to ensure that 20% of all fishing days per quarter are monitored... Annual observer coverage per vessel is required to be spatially representative of annual fishing effort and needs to fulfill RFMO specific

requirements. If coverage of observed trips is not temporally and spatially representative of effort, the Department shall require vessels to carry Scientific Observers on board additional trips

b. System or procedures to respond to non-compliance with this binding obligation?

- Established by national regulation implemented by Government

Describe :

Large Pelagic Longline permit conditions:

16. Observer Programme

16.1 "...Failure to comply with this request shall result in the vessel being ordered to remain in port and may result in the initiation of proceedings under section 28 of the MLRA..."

c. Action to be taken in relation to non-compliance with this binding obligation ?

- Other sanctions (specify below)

Describe :

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery:

#### 14 VIOLATIONS

14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

**Any documents on system/procedures ?**

Yes the 23 January 2025 - 14:23

**3. The number of vessels monitored and the coverage achieved by gear type, have been reported to the IOTC Secretariat & the IOTC Scientific Committee ?**

- 2023 Coverage is = or > 5 % (all fishing gear/fishing vessels)

If coverage is below 5 %, please explain and provide additional information ?

N/A

| Type of fishing gear | No of fishing vessels observed/monitored | Fishing effort observed/monitored | Coverage in (%) | Secretariat estimated coverage |
|----------------------|--|-----------------------------------|-----------------|--------------------------------|
| Purse seine          | -  | -                                 | -               | -                              |
| Longline             | 11                                       | 139636                            | 10              | -                              |
| Gillnet              | -  | -                                 | -               | -                              |
| Pol & Line           | -  | -                                 | -               | -                              |
| Handline             | -  | -                                 | -               | -                              |
| Other fishing gear - | -  | -                                 | -               | -                              |



**Report - number of vessels monitored & coverage achieved by gear type for the observer programme at sea ?**

Yes the 23 January 2025 - 14:23

**Comments/remarks about your submission and the implementation of this requirement:**

South Africa is submitting the observer coverage data on ICCAT's ST09 form until the IOTC's Reporting Form has been updated and finalised (based on the outcomes of the 2024 Scientific Committee on mandatory/optional reporting fields)

**National legislation with provisions to implement the at sea observer programme, and to implement the minimum coverage of 5% for observer programme at sea ?**

Yes the 23 January 2025 - 14:23

**Reference of laws, regulations and administrative instructions in force related to this requirement ?****MARINE LIVING RESOURCES ACT, 1998 (ACT No.18 OF 1998)****MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998) REGULATIONS IN TERMS OF THE MARINE LIVING RESOURCES ACT, 1998****Information required: Mandatory 5% coverage of artisanal landings in 2023 - Deadline: 17/11/2024****1. Did you implement the obligation ?**

- NIL Report / Not Applicable - No artisanal/coastal fisheries/vessels active in 2023

**2. A system or procedures exist to implement the coastal sampling scheme (monitoring coastal fishing vessels landings), and the binding obligation of minimum coverage of 5% of the total levels of vessel activity (i.e. total number of vessel trips or total number of active vessels) ?**

-

a. System or procedures to implement this binding obligation ?

-

Describe : -

b. System or procedures to respond to non-compliance with this binding obligation ?

-

Describe : -

c. Action to be taken in relation to non-compliance with this binding obligation ?

-

Describe : -

**Any documents on system/procedures ?**

No the -

**3. The coverage is at least 5 % of artisanal fishing vessels landings for all fishing gears ?**

-

If coverage is below 5 %, please explain and provide additional information ?

-

**Sampling schemes (coastal/artisanal vessel landings):**

| Type of fishing gear | Total number of vessel trips sampled | Total number of active vessels | Coverage achieved in (%) | Secretariat coverage estimated in (%) |
|----------------------|--------------------------------------|--------------------------------|--------------------------|---------------------------------------|
| Coastal purse seine  | -                                    | -                              | -                        | -                                     |
| Coastal longline     | -                                    | -                              | -                        | -                                     |
| Coastal Gillnet      | -                                    | -                              | -                        | -                                     |
| Coastal Pol-and-Line | -                                    | -                              | -                        | -                                     |
| Coastal Handline     | -                                    | -                              | -                        | -                                     |

|                                   |   |   |   |   |
|-----------------------------------|---|---|---|---|
|                                   |   |   |   |   |
| Coastal Line Trolling             | - | - | - | - |
| Coastal Beach seine               | - | - | - | - |
| Coastal Encircling gillnet        | - | - | - | - |
| Coastal Ring net                  | - | - | - | - |
| Other fishing gear (Trawl etc...) | - | - | - | - |

Report - number of vessels monitored & coverage achieved by gear type for sampling scheme coastal fisheries ?

No the -

Comments/remarks about your submission and the implementation of this requirement ?

-

National legislation with provision to implement the coastal sampling scheme (monitoring coastal fishing vessels landings), and to implement the minimum coverage of 5% for the coastal sampling scheme ?

No the -

Reference of laws, regulations and administrative instructions in force related to this requirement ?

-

### **Information required: At sea Observer reports in 2023 - Deadline: 17/11/2024**

1. Did you submit the data/report/information of this reporting obligation ?

- YES - Submitted

2. All observer reports have been provided to the IOTC Secretariat:

- YES - Complete

- Total of vessel trips observed by fishing gear: [LL 33](#) - Total number of observer reports provided by fishing gear: [LL 33](#)

- - Total of vessel trips observed by fishing gear: - - Total number of observer reports provided by fishing gear: -

- Reasons: -

3. Observer reports submitted ?

Yes the 23 January 2025 - 14:25

## **2.10 Bigeye tuna Statistical Document Programme**

**Resolution 01/06 Concerning the IOTC bigeye tuna statistical document programme**



**Information required: 1st Semester 2024 report on import of frozen bigeye tuna - Deadline: 1/10/2024**

1. Did you submit the data/report/information of this reporting obligation ?

- YES - Submitted

**2. A system for monitoring import, export, re-export of frozen BET exists:**

- YES - A system exists for monitoring import, export, re-export of frozen BET.

**3. Frozen Bigeye tuna were imported in the 1st semester 2024:**

- YES - Frozen bigeye tunas were imported in the 1st semester 2024

Total quantity of frozen bigeye tunas imported in the 1st semester (kg): 25426

Specify from which country' vessels the frozen bigeye tuna were imported:

- Taiwan, Province of China

If country not in the list above, provide: -

**1st semester import report submitted?**

Yes the 01 February 2025 - 15:04

**Information required: 2nd Semester 2023 report on import of frozen bigeye tuna - Deadline: 1/4/2024**

**1. Did you submit the data/report/information of this reporting obligation ?**

- YES - Submitted

**2. Frozen Bigeye tuna were imported in the 2nd semester 2023:**

- YES - Frozen bigeye tunas were imported in the 2nd semester 2023

Total quantity of frozen bigeye tunas imported in the 2nd semester (kg): 79435

Specify from which country' vessels the frozen bigeye tuna were imported:

- Taiwan, Province of China

**Other Country?**

-

**2nd semester import report submitted ?**

Yes the 01 February 2025 - 15:21

**Information required: information on validation of statistical documents - national authorities and authorized officers in 2024 - Deadline: 23/1/2025**

**1. Did you submit the data/report/information of this reporting obligation ?**

- YES - Submitted

**2. A system for validating export and re-export of frozen bigeye tunas exists:**

- YES - A system exists for validating export and re-export of frozen bigeye tunas.

**3. The Information on validation of statistical documents, the National authorities and authorized officers, is reported/updated in 2024 ?**

**2.1 REPORTING ON NEW INSTITUTIONS AND/OR NEW OFFICERS**

- NO - No update to report in 2024 for new institution(s) and / or officer(s).

**2.2 REPORTING ON INSTITUTION AND/OR OFFICER NOT ANYMORE AUTHORISED**

- NO - No update to report in 2024 for institution(s) and / or officer(s) that are not anymore autorised.

**2.3 REPORTING ON CHANGE OF SEAL INSTITUTION**

- NO - No update to report in 2024 for for change of seal institution.

Comments/remarks about your submission and the implementation of this requirement ?

## 2.11 Interim plan for rebuilding the Yellowfin tuna stock

-----  
Any additional information(s) / remark(s) on the completion of Section 2 of the Compliance Questionnaire ?

None

# Section 3 – Control by IOTC coastal States of activities of foreign vessels involved in IOTC fishery

## 3.1 Port inspection programme

### Resolution 05/03 Relating to the establishment of an IOTC programme of inspection in port



### Information required: List of foreign vessels landings in 2023 - Deadline: 1/7/2024

1. Did you submit the data/report/information of this reporting obligation ?

- YES - Submitted

2. The list of foreign fishing vessels which have landed in 2023 and the details of catch composition submitted to the IOTC Secretariat ?

- YES – Foreign fishing vessels landed IOTC species my ports in 2023 , the data/information is provided and uploaded below

Report on the list of foreign vessels & the quantities landed in your ports submitted ?

Yes the 03 July 2024 - 17:06

| No | Vessels Flag | Species | Quantity Landed (kg) |
|----|--------------|---------|----------------------|
| 1  | -            | -       | -                    |
| 2  | -            | -       | -                    |
| 3  | -            | -       | -                    |
| 4  | -            | -       | -                    |
| 5  | -            | -       | -                    |
| 6  | -            | -       | -                    |

### Resolution 16/11 On Port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing



## **Information required: List of designated ports, Designated competent Authority, Prior notification periods in each port State CPC in 2024 - Deadline: 23/1/2025**

### **1 . Did you implement the obligation ?**

- YES - Implemented

### **2. A system or procedures exist to implement this binding reporting obligation ?**

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

#### **a. System or procedures to monitor compliance with IOTC binding measure?**

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

#### **Describe :**

South Africa has sign Port State Measure Agreement with the same objective to prevent, deter and eliminate IUU fishing by preventing vessel engage in IUU fishing from using Port and landing their catches. In this way it reduces incentive of such vessels to continue with operations while it also blocks fisheries product derive from IUU fishing. We have AREP system that is used to screen foreign fishing vessels wishes to enter port and use of port services. The system has PIR function which have the Risk Assessment tool which enables the FCO and permitting unit to detect suspicions IUU activities. Once IUU is detected we immediately seize the vessel, charge the vessel owner or captain with contempt of the act or procedures in place then inform flag state, inform port control (Transnet) to deny the vessel not to leave the port while its under seizer or while criminal proceedings are ongoing and share our report findings with different RFMOs.

Furthermore, South Africa has introduced independent risk assessment to strengthen compliance in terms of IUU fishing activities and unregulated encounters within the EEZ and beyond.

#### **b. System or procedures to respond to non-compliance with this binding obligation?**

- Established in national law implemented by Government
- Established by national regulation implemented by Government

**Describe :** South Africa Designated 3 national ports for entry of foreign vessels where the above is implemented, and compliance is enforced. In terms of South African law to facilitate entry of foreign fishing vessels, National Port authority is in-charge of the 3 designated port in South Africa. The vessel owner or ship agent will submit an application to Port Authority to request port entry, and submit an AREP to the Department of Fisheries, Forestry and Environment through IOTC system that South Africa utilizes. Furthermore, the vessel owner or agent is required to apply for Exclusive Economic Zone (EEZ) permit from DFFE which stipulates their catch, purpose of call etc. Also, the agent applies to port health for health clearance.

#### **c. Action to be taken in relation to non-compliance with this binding obligation ?**

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish
- Fine

**Describe :** Criminal proceedings (arrests, fines, denial of entry to EEZ, Denial of port services, seizing of fish catch and vessel)

### **3. The list of designated ports have been submitted to the IOTC Secretariat?**

- YES - The list has already been submitted

### **4. The list of designated ports has been updated/changed in 2024 and we submit the updated information on the designated ports for:**

#### **4.1. NEW DESIGNATED PORTS**

- NO - The list of designated port(s) has NOT been updated/changed in 2024 - No NEW designated port

| <b>NEW</b> | <b>DP name</b> | <b>UN-LO</b> | <b>Nom Compe-tente Authori-ty</b> | <b>Adress Com-petente Au-thority</b> | <b>Tel Compe-tente Authori-ty</b> | <b>Fax Compe-tente Authori-ty</b> | <b>3 e-MAILS Competente Authority</b> | <b>Remark</b> |
|------------|----------------|--------------|-----------------------------------|--------------------------------------|-----------------------------------|-----------------------------------|---------------------------------------|---------------|
| <b>1</b>   |                |              |                                   |                                      |                                   |                                   |                                       |               |

|   |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|
|   |  |  |  |  |  |  |  |  |
| 2 |  |  |  |  |  |  |  |  |
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| 5 |  |  |  |  |  |  |  |  |
| 6 |  |  |  |  |  |  |  |  |

**4.2. UPDATE OF ALREADY DESIGNATED PORTS**

- NO - The list of designated port(s) has NOT been updated/changed in 2024 - NO designated ports to update

| NEWDP name | UN-LOC | Nom Compe-<br>tente Authori-<br>ty | Adress Com-<br>petente Au-<br>thority | Tel Compe-<br>tente Authori-<br>ty | Fax Compe-<br>tente Authori-<br>ty | 3 e-MAILS<br>Competente<br>Authority | Remark |
|------------|--------|------------------------------------|---------------------------------------|------------------------------------|------------------------------------|--------------------------------------|--------|
| 1          |        |                                    |                                       |                                    |                                    |                                      |        |
| 2          |        |                                    |                                       |                                    |                                    |                                      |        |
| 3          |        |                                    |                                       |                                    |                                    |                                      |        |
| 4          |        |                                    |                                       |                                    |                                    |                                      |        |
| 5          |        |                                    |                                       |                                    |                                    |                                      |        |
| 6          |        |                                    |                                       |                                    |                                    |                                      |        |

**4.3. PORTS NOT ANY MORE DESIGNATED**

- NO - The list of designated port(s) has NOT been updated/changed in 2024 - NO designated ports to remove

| NEWDP name | UN-LOC | Nom Competente Authority | Address Competente Authority | Tel Competente Authority | Fax Competente Authority | 3 e-MAILS Competente Authority | Remark |
|------------|--------|--------------------------|------------------------------|--------------------------|--------------------------|--------------------------------|--------|
| 1          |        |                          |                              |                          |                          |                                |        |
| 2          |        |                          |                              |                          |                          |                                |        |
| 3          |        |                          |                              |                          |                          |                                |        |
| 4          |        |                          |                              |                          |                          |                                |        |
| 5          |        |                          |                              |                          |                          |                                |        |
| 6          |        |                          |                              |                          |                          |                                |        |

#### 5. CPC ports where foreign vessels can request entry are designated by national legislation ?

- YES – CPC ports are designated by national legislation.

#### National legislation with provision for designation of port, designated competent authority, prior notification periods ?

Yes the 22 January 2025 - 23:19

#### Reference of laws, regulations and administrative instructions in force related to this requirement?

National Ports Act of 2005, Section 80 (1)(d) read with section 10 of the act

National Port Regulation 17

80. (1) The Minister may, by notice in the Gazette, make regulations in respect of (a) framework for the economic participation and empowerment of historically disadvantaged groups in port operations; (b) fitness standards for the safe use of the infrastructure and equipment in the provision of any port facility or port service; (c) rules of procedure for Port Consultative Committees; (d) port limits.

### **Information required: Port inspection reports AND Report of vessels engaged in IUU fishing following an inspection in 2024 - Deadline: 23/1/2025**

#### 1 . Did you submit the data/report/information of this reporting obligation ?

- NO - Not submitted

#### 2. Number of calls made by foreign vessels ?

- Fishing vessels: 489 - Source e-PSM: -
- Carrier (reefer) vessels: 21 - Source e-PSM: -
- Supply vessels: - - Source e-PSM: -

#### 3. Number of foreign vessels denied entry into CPC port(s) ?

- Fishing vessels: 0 - Source e-PSM: -
- Carrier (reefer) vessels: 0 - Source e-PSM: -
- Supply vessels: 0 - Source e-PSM: -



**4. Number of foreign vessels denied use of CPC port(s) ?**

- Fishing vessels: 0
- Carrier (reefer) vessels: 0
- Supply vessels: 0

**5. Number of foreign vessels inspected ?**

- Fishing vessels: 41
- Carrier (reefer) vessels: 4
- Supply vessels: -

**6. Number of inspection reports of foreign vessels submitted by e-PSM to the Secretariat ?**

- Fishing vessels: 41 - Source e-PSM: -
- Carrier (reefer) vessels: 4 - Source e-PSM: -
- Supply vessels: - - Source e-PSM: -

**7. Number of inspection reports of foreign vessels submitted by e-mail to the Secretariat ?**

- Fishing vessels: 0
- Carrier (reefer) vessels: 0
- Supply vessels: -

PIRs submitted: No the -

**8. Number of cases brought against foreign vessels for undermining the coastal CPCs Fisheries Law and/or Fisheries Regulations ?**

- Fishing vessels: 4
- Carrier (reefer) vessels: 0
- Supply vessels: 0

**9. Number of cases reported to the IOTC Secretariat ?**

- Fishing vessels: 4
- Carrier (reefer) vessels: 0
- Supply vessels: 0

**10. There was clear grounds for believing that vessel(s) has engaged in IUU fishing or fishing related activities following an inspection in port ?**

- NO - NO CLEAR GROUND for believing that vessels have engaged in IUU fishing or fishing related activities following an inspection in port

**11. Following an inspection, we have communicated the findings to ?**

- : -  
- : -  
-  
- : -  
- : -  
- : - :

- - e-PSM vessel file: -

**Information required: at least 5% inspection of LAN or TRX in 2024 - Deadline: 23/1/2025****1 . Did you implement the obligation ?**

- YES - Implemented

**2. A system or procedures exist to implement this binding obligation of monitoring/inspection of 5% of landings/transhipments of foreign vessels ?**

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

**a. System or procedures to monitor compliance with IOTC binding measure?**

- MCS strategy, policy, plan implemented by enforcement Government agencies
-

National monitoring, control and surveillance (MCS) & enforcement system in place with adequate assets, human resources & budget for implementation

- Control & enforcement regime over vessels with monitoring tools, VMS, logbooks/documentation & compliance observers
- Control & enforcement regime over vessels include flag State inspection regimes at sea & in port
- In port inspection procedures (SOP) implemented by National MCS agencies include verification of IOTC obligations

Describe : -

b. System or procedures to respond to non-compliance with this binding obligation?

- Implementation of responses to non-compliance & infringements to ensure prompt control and remediation
- Maintain compliance/infringement records

Describe : -

c. Action to be taken in relation to non-compliance with this binding obligation ?

- Suspend/cancel/revoke a licence/ATF
- Prohibition of fishing for a determined period
- Forfeiture of property such as vessel, gear, and fish
- Fine
- Imprisonment

Describe : Criminal proceedings be initiated due to non-compliance with the denial entry decision

**3. Number of foreign vessels callings in port(s) for the purpose of :**

- Landing: 178 - Source e-PSM: -
- Transshipment: 10 - Source e-PSM: -
- Landing & transshipment: 18 - Source e-PSM: -

**4. Number of foreign vessels offloading monitored into your port(s) for:**

- Landing: 41 - Source e-PSM: -
- Transshipment: 5 - Source e-PSM: -
- Landing & transshipment: 5 - Source e-PSM: -

Have you monitored at least 5 % of the offloading?

- YES

Coverage of offloadings inspected / monitored : 27.7% - Source e-PSM: -

Landing/transshipment monitoring forms submitted ?

Yes the 23 January 2025 - 16:47

**5. The monitoring of landing and transshipment is implemented/conducted by:**

- The designated competent authority of the Port State
- - : -
- - : -
- - : -
- - : -

**Information required: Report on denial of entry into port in 2024 - Deadline: 23/1/2025**

**1 . Did you implement the obligation ?**

- YES - Implemented

**2. A system or procedures exist to implement this binding obligation - to deny entry in port for foreign vessels ?**

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

a. System or procedures to monitor compliance with IOTC binding measure?

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe : Instruction to port control to deny access due to non-compliance with AREP Procedures as per PSMA.

b. System or procedures to respond to non-compliance with this binding obligation?

- Established in national law implemented by Government

Describe : Criminal proceedings be initiated due to non-compliance with the denial entry decision.

c. Action to be taken in relation to non-compliance with this binding obligation ?

- Suspend/cancel/revoke a licence/ATF
- Forfeiture of property such as vessel, gear, and fish
- Fine

Describe :

Criminal proceedings be initiated due to non-compliance with the denial entry decision.

**Large Pelagic Longline Fishery Fishing Season 2023-2024 - 14. Violations**

**14.1** A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings which may include section 28 of the MLRA proceedings and/or criminal proceedings).

**14.2** A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

**MLRA - PART 4: GENERAL LOCAL MATTERS - 28. Cancellation and suspension of rights, licences and permits**

**28. (1)** If a holder of any right, licence or permit in terms of this Act— (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the

Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be.

**(2)** The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision.

**(3)** When a matter is referred to the Minister in terms of subsection (2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

**(4)** Notwithstanding the provisions of subsections (1), (2) and (3), the Minister may, whenever he or she is of the opinion that it is in the interests of the promotion, protection or utilisation on a sustainable basis of a particular marine living resource, at any time by written notice to the holder of a right, licence or permit, revoke, suspend, cancel or reduce that right, licence or permit.

**MLRA - CHAPTER 6 LAW ENFORCEMENT Seizure of vessels - Articles 53**

**53. (1)** Where any vessel is seized in terms of section 51, the master and crew thereof shall take the vessel to such place, port or harbour in the territory of the Republic as the fishery control officer shall require and the vessel may be detained pending the outcome of any proceedings in terms of this Act until it is released on payment or lodging of security in terms of section 62.

**(2)** If a master fails or refuses to take a vessel contemplated in subsection (1) to the designated place, port or harbour, a fishery control officer may take charge of the vessel for the purpose of taking it to the designated place, port or harbour.

**MLRA - CHAPTER 7 JUDICIAL MATTERS - Articles 58, 68**

**Offences and penalties**

**58. (1)** Any person who, subject to the provisions of subsections (2) or (3)—(a) undertakes fishing or related activities in contravention of— (i) a provision of section 13; (ii) the conditions of any right of access, other right, licence or permit granted or issued in terms of Part 1, 2 or 3 of Chapter 3; or (iii) an authorisation to undertake fishing or related activities in terms of Part 6 or 7 of Chapter 3, but excluding section 39(5); or (b) contravenes any other provision of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding two million rand, or to imprisonment for a period not exceeding five years.

**(2)** Any person who contravenes— (a) a provision of an international conservation and management measure inside or outside South African waters, or otherwise fails to comply with any provision of Part 7 of Chapter 3, by means of a vessel registered in the Republic; or (b) the conditions imposed in a high seas fishing permit or high seas fishing vessel licence, shall be guilty of an offence and liable on conviction to a fine not exceeding three million rand.

**(3)** Any person who contravenes a provision of section 39(5), 45, 47, 48 or 49 shall be guilty of an offence and liable on conviction to a fine not exceeding five million rand.

**(4)** A regulation made under this Act may provide that a person who contravenes or fails to comply with a provision thereof, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

**Forfeiture orders by court**

68. (1) If any person is convicted of an offence in terms of this Act, the court may, in addition to any other penalty, order that any fishing vessel, together with its gear, equipment, any fish caught unlawfully or the proceeds of sale of such fish or any perishables, and any vehicle or aircraft used or involved in the commission of that offence be forfeited to the State.
- (2) If any vessel, vehicle, aircraft or other thing seized in terms of this Act, or any security or net proceeds of sale in respect thereof is not forfeited or applied in the discharge of any fine, order for costs or penalty imposed in terms of this Act, it shall be made available to the registered owner or his or her nominee or, in the absence of such persons, a person who appears to be entitled to it.
- (3) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, an order for forfeiture shall, unless the court for special reasons fixes a smaller sum, operate as an order for forfeiture of the security.
- (4) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, the court may order any person convicted of an offence in connection therewith and the owner of the vessel, vehicle, aircraft or other thing concerned, whether or not he or she is an accused, to pay the difference between the amount lodged in respect of security and the aggregate value of the forfeited property.

### 3. Foreign vessels were denied entry into CPC port(s) in 2024 ?

- NO - NIL report - Foreign vessels were NOT denied entry into ports.

### 4. Number of foreign vessels denied entry into CPC port(s) in 2024 ?

|                        | CPC    | e-PSM      | CPC    |                | CPC                           |
|------------------------|--------|------------|--------|----------------|-------------------------------|
| <b>Fishing vessels</b> | Number | From e-PSM | Number | Vessel(s) name | Flags of vessels denied entry |
|                        | -      |            | -      |                | -                             |
| <b>Carrier vessels</b> | -      | From e-PSM | -      |                | -                             |
| <b>Supply vessels</b>  | -      | From e-PSM | -      |                | -                             |

### 5. Reason(s) for denial of entry in port(s) ?

- Specify: -

### 5. The denial of entry was communicated to ?

- - Flag: -
- - Country: -
- - Date: -

### 6. The denial of entry in port for foreign vessels requesting entry in ports is established/required by national legislation:

- YES - Denial of entry in port is established/required by national legislation.

### National legislation ?

No the -

### Reference of laws, regulations and administrative instructions in force related to this requirement ?

18. Failure to meet any of these conditions shall be considered as a material breach of permit conditions and may lead to the cancellation or withdrawal of the permit, but may also lead to criminal prosecution. Furthermore, the Department may institute section 28 proceedings in terms of the MLRA against the Permit Holder for failing to comply with the permit conditions.

## **Information required: Report on denial of use of port AND report on withdrawal of a denial of use of port in 2024 - Deadline: 23/1/2025**

### 1 . Did you implement the obligation ?

- YES - Implemented

### 2. A system or procedures exist to implement this binding reporting obligation - to deny use of port ?

- YES - CPC has system / procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

a. System or procedures to monitor compliance with IOTC binding measure?

- IOTC binding measures, for vessels/persons, monitored and controlled by government fisheries administration with institutional procedures implemented

Describe : South Africa is using IOTC e-PSM system to issue notifications to the vessel owner, agent and Master whether the vessel is allowed entry or denied entry. The notification feedback will be sent to the Agent, flag state, Master and Owner.

b. System or procedures to respond to non-compliance with this binding obligation?

- Established in national law implemented by Government
- Established by national regulation implemented by Government

Describe : Any non-compliance with the denial entry decision, South Africa can take legal action against non-compliance. The Fishery Control Inspector boards the vessel and examine the non-compliance and a decision will take whether a to impose a fine or a criminal case be open against the Master or Owner. The vessel and cargo onboard will be seized until a court decision is made. The department can apply for forfeiture of the vessel and fish on board, the department may dispose the exhibit by selling of fish and vessel or donate to shelters or dump fish.

c. Action to be taken in relation to non-compliance with this binding obligation ?

- Suspend/cancel/revoke a licence/ATF
- Prohibition of fishing for a determined period
- Forfeiture of property such as vessel, gear, and fish
- Fine

Describe : The department can take criminal actions against the Master, Owner, Agent. The Fishery Control Inspector boards the vessel and examine the non-compliance and a decision will take whether a to impose a fine or a criminal case be open against the Master or Owner. The vessel and cargo onboard will be seized until a court decision is made. The department can apply for forfeiture of the vessel and fish on board, the department may dispose the exhibit by selling of fish and vessel or donate to shelters or dump fish.

**3. Foreign vessels were denied use of port(s) in 2024 ?**

- NO - NIL report - Foreign vessels were NOT denied use of port.

If YES, the denials of use were withdrawn ?

- NO - Denial of use of port was NOT withdrawn.

**4. Number of foreign vessels denied use of ports in 2024 ?**

|                          | Num-ber | Vessel(s) name | Vessel flags de-nied use | Reasons denials use port | With-draw                           | Reason with-drawal denial use of ports |
|--------------------------|---------|----------------|--------------------------|--------------------------|-------------------------------------|--|
| <b>Fish-ing ves-sels</b> | -       | -              | -                        | -                        | <input checked="" type="checkbox"/> | -                                      |
| <b>Carri-er ves-sels</b> | -       | -              | -                        | -                        | <input checked="" type="checkbox"/> | -                                      |
| <b>Sup-ply ves-sels</b>  | -       | -              | -                        | -                        | <input checked="" type="checkbox"/> | -                                      |

Additional information - specify reason(s) for denial of use of port ?

-

5. The denial of use and/or the withdrawal was communicated to ?

- Flag: -
- Country: -
- Date: -
- : -
- : -

6. The denial of use of port and withdrawal for foreign vessels requesting entry in ports are established/required by national legislation:

-

National legislation submitted ?

Yes the 23 January 2025 - 00:06

Reference of laws, regulations and administrative instructions in force related to this requirement?

Foreign Vessels Entering South Africa's Exclusive Economic Zone and Designated Ports

## 3.2 Foreign vessels licensed

### Resolution 14/05 Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information

#### Information required: list of foreign vessels licensed in EEZ in 2024 - Deadline: 15/2/2025

1 . Did you submit the data/report/information of this reporting obligation ?

- NIL Report / Not Applicable - CPC does not license foreign flag vessels to fish in the EEZ for species managed by the IOTC in the IOTC area of competence in 2024

2. Foreign vessels were licensed in 2024 ?

- NO – NIL report - Not applicable - No foreign flag vessels licensed to fish for species managed by the IOTC in EEZ

3. The list of licensed foreign fishing vessels (in 2024) has been reported to the IOTC Secretariat ?

- Reasons: -
- No vessels missing: -
- No Vessels issued licenses: -

Specify to which foreign vessels flag country you have issued license:

-

-

4. All the mandatory information is provided to the IOTC Secretariat for all foreign fishing vessels licensed by South Africa in 2024?

-

5. Number of licenses issued to foreign fishing vessels in 2024 ?

Foreign fishing vessels ≥ 24m:

- Number of licenses issued: -
- Number of vessels: -

Foreign fishing vessels < 24m:

- Number of licenses issued: -
- Number of vessels: -

#### Information required: foreign vessels denied a license in 2024 - Deadline: 15/2/2025

1 . Did you submit the data/report/information of this reporting obligation ?

- YES - Submitted

2. Foreign vessels were denied a license in 2024 ?

- NO - Foreign vessels were NOT denied license following application for license to fish in EEZ.

3. Number of licenses denied to foreign fishing vessels ?

Foreign fishing vessels  $\geq$  24m:

- Number of licenses denied: -

Foreign fishing vessels < 24m:

- Number of licenses denied: -

## **Information required: Official coastal State fishing License in 2024 - Deadline: 23/1/2025**

**1 . Did you submit the data/report/information of this reporting obligation ?**

- NIL Report / Not Applicable - CPC does not license foreign flag vessels to fish in the EEZ for species managed by the IOTC in the IOTC area of competence

**2. The template of the official coastal State fishing License with information required concerning these licenses submitted to the IOTC Secretariat ?**

- No- NIL report - no foreign flag vessels licensed to fish in the EEZ for species managed by the IOTC

If No or Partially, please specify the reasons; if Yes or Partially, specify the date of last declaration:

**3. The information concerning the official coastal State fishing License has been updated/changed and we submit the updated information to the IOTC Secretariat ?**

- NO - No update to report in 2024

**Template official coastal State fishing license submitted?**

No the -

**4. All the mandatory information on official coastal State fishing License have been provided to the IOTC Secretariat ?**

**-----  
Any additional information(s) / remark(s) on the completion of Section 3 of the Compliance Questionnaire ?**

None

# Section 4 – Responsibility of all CPCs

## 4.1 Control of nationals

**Resolution 24/09 To promote compliance by nationals of contracting parties and cooperating non-contracting parties with IOTC conservation and management measures**



### **Information required: Compliance by nationals at previous session in 2024**

1 - Vessels have been listed on the IOTC IUU vessels list at the previous session of the Commission with natural or legal persons under my jurisdiction?

- **NO - No vessels have been listed on the IOTC IUU vessels list at previous sessions of the Commission.**

*Consult the Implementation Report for more information*

**Any additional information(s) / remark(s) on the completion of Section 4 of the Compliance Questionnaire ?**

None



# Section 5 – Flag State Controls (Data)

## Mandatory statistical reporting requirements for IOTC CPCs - All Mandatory statistical requirements - Flag State CPCs in 2023 - Deadline: 30/6/2024

Resolution 18/07 on Measures Applicable in Case of Non-Fulfilment of Reporting Obligations in the IOTC.

### Information required: Zero Catch Matrix (Species presence in the catch)

1. Submit in e-MARIS (IOTC statistical data management system) the zero catches matrix data for the following species?  
IOTC SPECIES:

- YES - Complete for all IOTC fisheries for IOTC SPECIES

SHARK SPECIES:

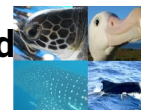
- YES - Complete for IOTC fisheries for SHARKS SPECIES.

Data forms submitted ? Yes the 28 June 2024 - 15:29

Comments/remarks about submission zero catches matrix data - ALL FISHERIES, and the implementation of this requirement ?

ZAF 2023 Zero Catch Matrix data for all fisheries uploaded in Form 1-DR as required.

## Resolution 12/04 13/05 23/06 23/07 – Interactions with Endangered, Threatened and Protected species (ETP) – Surface & Longline fisheries



### Information required: Interactions with Endangered, Threatened and Protected (ETP) species – Surface & Longline Fisheries

1. Submit in e-MARIS (IOTC statistical data management system) Interactions with ETP species for the following species ?

#### 1.1 For interactions ETP species - Surface fisheries

- YES - Complete for all fisheries and all fishing gears.
- Nil Report for fishing logbook - No interactions with whale sharks reported by flag vessels through fishing logbooks in 2023.
- Nil Report for observers - No interaction with whale sharks, reported by flag vessels through observers in 2023.
- Nil Report for observers - No interaction with cetaceans reported by flag vessels through observers in 2023.

for

- Marine turtle
- Seabird
- Cetacean

#### 1.2 For interactions ETP species - Longline fisheries

- YES - Complete for all longline fisheries.
- Nil Report for fishing logbook - No interactions with whale sharks reported by longline flag vessels through fishing logbooks in 2023.
- Nil Report for observers - No interactions with whale sharks reported by longline flag vessels through observers in 2023.
- Nil Report for observers - No interactions with cetaceans reported by longline flag vessels through observers in 2023.

for

- Marine turtle
- Seabird
- Cetacean

Data forms submitted ? Yes the 28 June 2024 - 15:24

Comments/remarks about data submission and the implementation of this requirement ?

ZAF ETP Species data according to Resolution 12/04 uploaded in Form 1-1N

## Resolution 15/02 – Nominal catches / Retained catches – All Fisheries



### **Information required: Annual retained catches on board – Coastal/surface/longline fisheries**

1. Submit in e-MARIS (IOTC statistical data management system) annual retained catches for the following species ?

#### **1.1 For annual retained catches onboard - Coastal fisheries**

IOTC SPECIES :

- NO – NIL Report / Not Applicable - No coastal fisheries active in the IOTC Area of Competence in 2023

- For –

SHARK SPECIES :

- NO – NIL Report / Not Applicable - No coastal fisheries active in the IOTC Area of Competence in 2023

- For –

#### **1.2 For annual retained catches onboard - Surface fisheries**

IOTC SPECIES :

- NO – NIL Report / Not Applicable - No fishing vessel active in the IOTC Area of Competence in 2023

- For –

SHARK SPECIES :

- NO – NIL Report / Not Applicable - No fishing vessel active in the IOTC Area of Competence in 2023

- Pour –

#### **1.3 For Retained catches onboard - Longline fisheries**

IOTC SPECIES :

- YES - Complete for all longline fisheries (LL) and all fishing gears (LL) for IOTC SPECIES

- For

- ALB-Albacore Germon
- BET-Bigeye tuna Thon obèse(=Patudo)
- SWO-Swordfish Espadon
- YFT-Yellowfin tuna Albacore

SHARK SPECIES :

- YES - Complete for all longline fisheries (LL) and all fishing gears (LL) for SHARKS SPECIES

- For

- SMA - Shortfin mako
- BSH - Blue shark

Data forms submitted ? Yes the 28 June 2024 - 15:22

Comments/remarks about data submission and the implementation of this requirement ?

ZAF 2023 Catch data of retained species uploaded in Form 1-RC

## Resolution 15/02 – Nominal catches / Discarded catches – All Fisheries



### **Information required: Catch discarded – IOTC species, sharks, turtles, seabirds, cetaceans, whale sharks, mobulids - All fisheries**

1. Submit in e-MARIS (IOTC statistical data management system) discarded catches data for the following species ?

#### **IOTC SPECIES :**

- YES - Complete for all IOTC fisheries and all fishing gears for IOTC SPECIES

- For : –

#### **SHARK SPECIES :**

- YES - Complete for IOTC fisheries and all fishing gears for SHARKS SPECIES

- For

- OCS - Oceanic whitetip shark
- AVL - Thresher
- PTH - Pelagic thresher
- BTH - Bigeye thresher
- THR - Thresher sharks nei
- SMA - Shortfin mako
- LMA - Longfin mako
- MAK - Mako sharks
- BSH - Blue shark
- FAL - Silky shark

#### **MARINE TURTLE SPECIES :**

- YES - Complete for IOTC fisheries and all fishing gears.

- For

- DKK-Leatherback turtle
- TTL-Loggerhead turtle
- TUG-Green turtle

#### **SEABIRDS SPECIES :**

- YES - Complete for all LL fisheries and all interactions reported from fishing logbook and from observer on board in 2023.

- For

- Albatrosses Genus Diomedea
- Albatrosses Genus Thalassarche

#### **CETACEANS SPECIES :**

- YES - Complete for all fisheries and all interactions reported from fishing logbook and from observer on board in 2023.
- NO – NIL Report / Not Applicable - Nil Report for observers - No interactions with cetaceans reported by flag vessels through observers in 2023
- HAS national and state legislation for protecting cetaceans we have provided the information for the IOTC Scientific Committee, Compliance Committee and Working Party on the Implementation of Conservation and Management Measures consideration.

- For

- DLP-Dolphins spp

#### **WHALE SHARK:**

- NO – NIL Report / Not Applicable - Nil Report for observers - No interactions with whale sharks reported by flag vessels through observers in 2023
- NO – NIL Report / Not Applicable - Nil Report for fishing logbook - No interactions with whale sharks reported by flag vessels through fishing logbooks in 2023

**MOBULID :**

- YES - Complete for all fisheries and all interactions reported from fishing logbook and from observer on board in 2023.
- For
- PLS-Pelagic stingray

**Data forms submitted ?** Yes the 28 June 2024 - 15:21

**Comments/remarks about data submission and the implementation of this requirement ?**

ZAF 2023 discard data for IOTC species including, sharks turtles, seabirds, cetaceans, whale sharks and mobulids reported in 1-D1

**Resolution 15/02 – Catch and Effort Geo-referenced – All Fisheries****Information required: Catch and effort – Coastal/surface/longline Fisheries**

1. Submit in e-MARIS (IOTC statistical data management system) Catch and Effort data for the following species/fisheries ?

**1.1 Catch and Effort Geo-referenced - Coastal fisheries****IOTC SPECIES :**

- NO – NIL Report / Not Applicable - No coastal fisheries active in the IOTC Area of Competence in 2023

- For : -

**SHARK SPECIES :**

- NO – NIL Report / Not Applicable - No coastal fisheries active in the IOTC Area of Competence in 2023

- For : -

**1.2 Catch and Effort Geo-referenced - Surface fisheries****IOTC SPECIES :**

- YES - Complete for Pole & Line surface fisheries (PL) for IOTC SPECIES
- NO – NIL Report / Not Applicable - No fishing vessels active in the IOTC Area of Competence in 2023

- For -

**SHARK SPECIES :**

- YES - Complete for Pole & Line surface fisheries (PL) for SHARK SPECIES
- NO – NIL Report / Not Applicable - No fishing vessels active in the IOTC Area of Competence in 2023

- For -

**1.3 Catch and Effort Geo-referenced - Longline fisheries****IOTC SPECIES :**

- YES - Complete for all longline fisheries (LL) for IOTC SPECIES

- For

- ALB-Albacore Germon
- BET-Bigeye tuna Thon obèse(=Patudo)
- SWO-Swordfish Espadon
- YFT-Yellowfin tuna Albacore

**SHARK SPECIES :**

- YES - Complete for all longline fisheries (LL) for SHARKS SPECIES

- For

- SMA - Shortfin mako
- BSH - Blue shark

## **Information required: FAD – Days at sea (Effort) by support vessels**

1. Submit in e-MARIS (IOTC statistical data management system) Catch and Effort data for the following species/fisheries ?

### **1.4 FAD – Days at sea (Effort) by supply vessels**

- NO - NIL Report / Not Applicable - No Purse seiner / Supply vessel registered on the IOTC Record of Authorised Vessels in 2023 . Not fishing on DFADs.

Number of supply vessel(s) registered on the IOTC Record of Authorised Vessels in 2024 ?

0

Data forms submitted ? Yes the 28 June 2024 - 15:20

Comments/remarks about data submission and the implementation of this requirement ?

ZAF Catch and Effort data for 2023 uploaded in Form 3-CE. Revision of the Catch and Effort uploaded on 2 September 2024 to address duplicate records, as identified by Lucia Pierre on 16 August 2024

## **Resolution 15/02 – Size frequencies Geo-referenced – All Fisheries**



## **Information required: Size Frequencies Geo-referenced – Coastal/surface/longline fisheries**

1. Submit in e-MARIS (IOTC statistical data management system) Size Frequencies data for the following species/fisheries ?

### **1.1 Size Frequency Geo-referenced - Coastal fisheries**

#### **IOTC SPECIES**

- YES - Complete for all coastal fisheries and all fishing gears for IOTC SPECIES
- NO – NIL Report / Not Applicable - No coastal fisheries active in the IOTC Area of Competence in 2023

- For

- ALB-Albacore Germon
- BET-Bigeye tuna Thon obèse(=Patudo)
- BUM-Blue marlin Makaïre bleu
- SBF Southern bluefin tuna Thon rouge du Sud
- SKJ Skipjack tuna Listao
- SWO-Swordfish Espadon
- YFT-Yellowfin tuna Albacore

#### **SHARKS SPECIES**

- YES - Complete for all coastal fisheries and all fishing gears for SHARKS SPECIES
- NO – NIL Report / Not Applicable - No coastal fisheries active in the IOTC Area of Competence in 2023

- For –

### **1.2 Size frequency Geo-referenced - Surface fisheries**

#### **IOTC SPECIES**

- YES - Complete for Pole & Line surface fisheries (PL) for IOTC SPECIES
- NO – NIL Report / Not Applicable - No fishing vessels active in the IOTC Area of Competence in 2023

- For –

**SHARKS SPECIES**

- YES - Complete for all surface fisheries (PS/PL/GN/HL&TL) for SHARK SPECIES
- NO – NIL Report / Not Applicable - No fishing vessels active in the IOTC Area of Competence in 2023

- For -

**1.3 Size frequency geo-referenced - Longline fisheries****IOTC SPECIES**

- YES - Complete for all longline fisheries (LL) for IOTC SPECIES

- For

- ALB-Albacore Germon
- BET-Bigeye tuna Thon obèse(=Patudo)
- BLM-Black marlin Makaïre noir
- BUM-Blue marlin Makaïre bleu
- MLS-Striped marlin Marlin rayé
- SBF Southern bluefin tuna Thon rouge du Sud
- SKJ Skipjack tuna Listao
- SWO-Swordfish Espadon
- YFT-Yellowfin tuna Albacore

**SHARKS SPECIES**

- YES - Complete for all longline fisheries (LL) for SHARKS SPECIES

- For

- OCS - Oceanic whitetip shark
- BTH - Bigeye thresher
- SMA - Shortfin mako
- BSH - Blue shark
- FAL - Silky shark

Data forms submitted ? Yes the 28 June 2024 - 15:19

**Comments/remarks about data submission and the implementation of this requirement ?**

South African geo-referenced Size Frequency data uploaded in Form 4SF. Revised version uploaded to address queries and errors from Lucia Pierre on 22 August 2024

**Resolution 19/02 – FAD – Set on DFAD by type - Drifting floating objects (DFOB) related activities****Resolution 15/02 – FAD – Number & characteristics of supply vessels****Resolution 23-01 - Anchored Fish Aggregating Devices (AFADs) - AFAD related activities****Information required: Data collection for AFADs****1. Submit in e-MARIS (IOTC statistical data management system) AFAD related activities data ?**

- NO – NIL Report / Not Applicable - CPC has NO AFADs fishery fishing for tuna and tuna like species under the IOTC mandate in 2023.

Data forms submitted ? No the -

Comments/remarks about data submission and the implementation of this requirement ?

-

## Resolution 19/02 – Number of active FADs



### VOLUNTARY

## UN Fish Stocks Agreement (UNFSA) - Fishing Craft Statistics

### Information required: Fishing Craft Statistics

1. Submit in e-MARIS (IOTC statistical data management system) the fishing craft statistics ?

- YES - Complete for all vessels.

Data forms submitted ? Yes the 28 June 2024 - 15:28

Comments/remarks about data submission and the implementation of this requirement ?

ZAF 2023 Fishing Craft Statistics uploaded in form 2-FC as required

### VOLUNTARY

## Articles V of the IOTC Agreement - Fish prices

### Information required: Fish prices

1. Submit in e-MARIS (IOTC statistical data management system) the fish prices ?

-

Data forms submitted ? No the -

Comments/remarks about data submission and the implementation of this requirement ?

-

Any additional information(s) / remark(s) on the completion of Section 5 of the Compliance Questionnaire ?

None