

## GENERAL NOTICE

### NOTICE 1718 OF 2007

#### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

#### MARINE LIVING RESOURCES ACT, 1998 (Act No. 18 of 1998)

#### INVITATION TO COMMENT ON THE DRAFT POLICY AND APPLICATION FORMS CONCERNING THE ALLOCATION AND MANAGEMENT OF LONG TERM FISHING RIGHTS IN THE LARGE PELAGIC (TUNA AND SWORDFISH) SECTOR, 2007

The Minister of Environmental Affairs and Tourism hereby publishes for comment the draft fisheries policy and application forms on the allocation and management of long term commercial fishing rights in the Large Pelagic (Tuna and Swordfish) sector.

Interested and affected parties are invited to submit written comments on

- a. the Draft Policy on the Allocation and Management of Long Term Fishing Rights in the Large Pelagic Sector 2007 (English - Annexure A)
- b. Application Form for Large Pelagic, Tuna (Annexure B) and
- c. Application Form for Large Pelagic, Swordfish (Annexure C),

in the manner provided for in this Notice.

Interested parties may submit written comments to the Department by 16h00 on Friday 18 January 2008 by mail, by hand, e-mail or telefax transmission. Please note that comments received after the closing date may be disregarded.

<u>By mail</u>	<u>By Hand</u>	<u>By Email</u>
Subject: Customer Services Centre, Private Bag X2, Roggebaai, 8012	Subject: Customer Services Centre, 2 <sup>nd</sup> Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town	<a href="mailto:largepelagics@deat.gov.za">largepelagics@deat.gov.za</a>
		<u>By FAX</u> 021 402 3618
		<u>Telephonic queries</u> 021 402 3553

The draft policy and application forms are also available on the Department's website [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za). The draft policy is also available in Afrikaans, Isixhosa and Isizulu on the Department's website.

**IN THE CASE OF INCONSISTENCY BETWEEN THE ENGLISH,  
AFRIKAANS, ISIXHOSA AND ISIZULU TEXT, THE ENGLISH TEXT  
PREVAILS.**



environment & tourism

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Department:  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

**DRAFT POLICY FOR THE MANAGEMENT AND  
ALLOCATION OF COMMERCIAL FISHING RIGHTS IN THE  
LARGE PELAGIC (TUNA AND SWORDFISH LONGLINE)  
FISHERY (ADDITIONAL TOTAL ALLOWABLE EFFORT  
(TAE)): DECEMBER 2007**

THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION AND  
MANAGEMENT OF LONG-TERM COMMERCIAL FISHING RIGHTS: 2005

(available at [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za))

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## 1. Introduction

This policy on the allocation and management of commercial fishing rights in the large pelagic<sup>1</sup> longline fishery is issued by the Minister of Environmental Affairs and Tourism ("the Minister").

The purpose of this policy is to set out the considerations that will apply to the allocation of additional Total Allowable Effort (TAE) in respect of long-term commercial large pelagic fishing rights. These considerations have been applied by the Minister and delegated authority from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past.

The Minister intends to delegate the power granted to him under section 18 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the MLRA") to allocate additional TAE in respect of long-term commercial large pelagic fishing rights to a senior official of the Department in terms of section 79 of the MLRA. This policy document will, inter alia, guide the delegated authority in taking decisions on rights applications in this fishery.

## 2. Profile of the Fishery

South African participation in the large pelagic long-lining sector is fairly new. The harvesting of tuna and swordfish by longline has historically been undertaken by Japanese and Taiwanese fleets fishing in South African waters under bilateral licensing agreements. Participation by South African fishers in the large pelagic fishery, and in particular the tuna longline and swordfish fisheries, was recently made possible by the decision of the Minister of Environmental Affairs and Tourism not to renew the international fishing licenses of Japanese and Taiwanese longline vessels to catch tuna and swordfish in South African waters. These agreements terminated at the end of January 2003.

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<sup>1</sup> *Large pelagic* shall refer to all fish stocks that fall within the management jurisdiction of the International Commission for the Conservation of Atlantic Tunas ("ICCAT"), the Indian Ocean Tuna Commission ("IOTC") and the Commission for the Conservation of Southern Bluefin Tuna ("CCSBT").

The availability of tuna and swordfish stocks in South African waters, coupled with a renewed interest in the longlining of tuna by South Africans convinced the Department in 1997 to grant experimental permits for the longlining of tuna. Participants in the experimental fishery at the time consisted of 20 existing tuna pole quota holders and 10 “new” tuna pole quota holders.

The objectives for the experimental fishery were to –

- develop a performance history in tuna fishing so that the relevant Regional Fisheries Management Organisations (RFMOs) would be more inclined to allocate country quotas to South Africa;
- develop local technological and fishing expertise in the tuna longlining industry; and
- collect biological and fisheries data in order to provide a scientific basis for the management of a South African commercial large pelagic fishery.

The experimental fishery demonstrated that South African participants in the fishery are capable of adequately catching swordfish. However, there is a particular need to develop a performance history for the harvesting of tunas.

Other fishing sectors which catch large pelagic species include the commercial shark longline fishery, tuna pole fishery, traditional handline fishery and the recreational sector. The tunas caught by these sectors are mostly longfin (albacore) and yellowfin tuna. The shark longline fishery is restricted in terms of permit conditions to a tuna bycatch of 10% (by weight) of their total catch of the target species. Commercial traditional handline vessels and recreational fishers are restricted by bag limits.

In 2005 the Department allocated long-term rights (duration 10 years) in the large pelagic (tuna and swordfish) longline fishery. The objectives of the *Policy for the Management of and Allocation of Commercial Fishing Rights in the Large Pelagic (Tuna and Swordfish Longline) Fishery: 2004* were as follows:

- Consolidation of fisheries targeting large pelagic species;
- A South African Large Pelagic Longline Fishery; and
- Catch database (catch performance).

Consolidation of the tuna, swordfish and pelagic shark longline fisheries was not achieved in the 2004 allocation process. However, the pelagic shark longline fishery was terminated by 31 December 2005 and due to the lack of consolidation, nine exemptions were granted for pelagic shark longline fishing. The objective to have a South African Large Pelagic Longline Fishery was achieved in the rights allocation process of 2004 and all successful Right Holders are South African. In terms of the third objective of the 2004 allocation process, the catch performance for 2005 and 2006 had not improved South Africa's overall catch performance for large pelagic.

Furthermore, in terms of the total allowable effort for the large pelagic longline fishery, 20 swordfish rights and 30 tuna rights were available for allocation in 2004. Seventeen (17) rights were allocated in swordfish and an additional right on legal review, thus there were 2 swordfish rights that remained unallocated. Twenty six (26) tuna rights were allocated, with 4 rights remaining unallocated.

### **3. International Fisheries Management**

As a coastal state that has ratified the UN Fish Stocks Agreement, South Africa is obliged to develop and manage a fishery for large pelagic species in co-operation with the relevant Regional Fisheries Management Organisations' ("RFMO's") and in accordance with their existing management and control measures. The large pelagic fishery is thus dependent upon country allocations from the relevant RFMO's (such as the International Commission for the Conservation of Atlantic Tunas – ICCAT; the Indian Ocean Tuna Commission – IOTC; and the Commission for the Conservation of Southern Bluefin Tuna – CCSBT).

#### **4. Purpose and Objectives of this Policy**

The purpose of allocating commercial fishing rights in the tuna and swordfish longline fishery is to establish an economically and environmentally sustainable South African commercial large pelagic longline fishery, which will include pelagic sharks caught by longline. The objectives of allocating such commercial large pelagic longline fishing rights are the following:

##### **4.1 Improve the quality of transformation in the fishery**

Transformation and restructuring of the fishing industry is an overall government objective and it is the intention of this policy to provide the framework for addressing this important imperative.

##### **4.2 Consolidation of fisheries targeting large pelagic species**

Consolidation of all commercial large pelagic longline fisheries, including pelagic shark longline remains an important consideration. The commercial harvesting of pelagic sharks by the shark longline fishery was terminated by 31 December 2005. However, since consolidation of pelagic shark longline was not achieved in 2005, nine (9) exemptions were granted for pelagic shark longline. Current pelagic shark longline exemption holders should apply for a commercial large pelagic right in terms of this policy to target tunas and swordfish. Pelagic shark by-catch will be permitted within prescribed limits. The targeting of demersal sharks using longlines will be unaffected by this policy and will continue as a separate commercial fishery.

##### **4.3 A South African Large Pelagic Longline Fishery**

A fundamental objective of this policy and the allocation of commercial large pelagic longline fishing rights is the allocation of rights to South African persons<sup>2</sup>. This policy objective does not preclude non-South Africans from entering into joint ventures with South

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<sup>2</sup> For a definition of South African person see section 1 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998)

Africans, provided that there is at least a 51% South African shareholding in such a joint venture.

#### **4.4 Catch Performance**

Stocks of highly migratory species, such as swordfish and tuna are managed by RFMO's. Country allocations are based on various criteria, the most important being catch history. Accordingly, a key policy objective is to allocate rights to develop a South African catch record, particularly for tuna, that would entitle South Africa to a larger share of the available country allocations.

#### **5. Duration of Rights**

Commercial large pelagic longline fishing rights will terminate at the end of February 2015. The reasons for this duration are as follows:

- (a) to synchronise with the duration of the ten year long-term rights allocated in March 2005;
- (b) the need to further develop a South African catch history for large pelagic, particularly for tuna; and
- (c) the high capital investment required for entry into the large pelagic fishery.

#### **6. Evaluation criteria**

Applicants for long-term commercial pelagic fishing rights must satisfy certain essential requirements. These include:

- (a) applicants must be South African persons as defined in Section 1 of the MLRA;
- (b) applicants must demonstrate access to or ownership of a suitable vessel(s); and
- (c) applicants must be capable of harvesting large pelagic by the longline method.



Furthermore, all applications will be screened in terms of a set of “exclusionary criteria”, thereafter it will be separately assessed in terms of a set of weighted “comparative balancing criteria”. A cut-off score or rank will then be determined in order to select the successful applicants.

In terms of ranking, unsuccessful applicants in this allocation process may be considered for rights allocation in the event that such rights become available through revocation of rights. This is in order to meet the objective to develop a South African catch record.

### 6.1 Exclusionary criteria

In addition to the exclusionary criteria stated in the General Fisheries Policy relating to improper lodgements and material defects, the following exclusionary criteria will be applied:

- (a) **Form of the Applicant:** Applications will only be considered from entities incorporated in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984) and the Companies Act, 1973 (Act No. 61 of 1973). Natural persons (i.e. individuals or sole proprietors) will not be granted rights.
- (b) **Compliance:** If an applicant, or its members, directors or controlling shareholders has been convicted of a serious infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences, the applicant will not be allocated a large pelagic fishing right. This does not include the payment of an admission of guilt fine. Rights will also not be allocated to an applicant if the applicant, or its members, directors or controlling shareholders, has had any fishing right cancelled or revoked in terms of the MLRA, or assets seized under the Prevention of Organised Crime Act, 1998 (Act No. 21 of 1998) or the MLRA.

Decisions may be reserved on applications from Right Holders that are being investigated for breaches of the MLRA. A decision on such an application will be made after the completion of the investigation.

Right Holders are required to pay a levy on targeted fish landed. Right Holders that have under-reported catches to avoid the payment of levies will be excluded. Right Holders that have not paid levies will be penalised in the comparative balancing process as set out below. Should such an applicant nevertheless qualify for a right, a fishing permit will not be issued until the outstanding monies have been paid to the Department.

- (c) **Paper Quotas:** A paper quota, as defined in the General Fisheries Policy, will be excluded.
- (d) **Access to a suitable vessel:** Applicants will have to demonstrate a right of access to a suitable vessel (see further paragraph 8 below for the description of a suitable vessel).

## 7. **Balancing criteria**

Applicants for commercial large pelagic fishing rights will be evaluated in terms of the following balancing criteria, which will be weighted to assess the strength of each application. The criteria stated below must be read with the corresponding criteria in the General Fisheries Policy for further detail.

### (a) **Transformation**

One of the objectives during the process of allocating long-term fishing rights in this fishery is to improve on the quality of transformation in this sector. Applicants will be assessed on:

- The percentage black and women ownership and black and women representation at top salary, board of directors and senior official and management levels;
- Whether employees (other than top salary earners) benefit from an employee share scheme;
- Affirmative procurement;
- Compliance with the Employment Equity Act, 1998 (Act No. 55 of 1998) and the representivity of blacks and women at the various levels of employment. The delegated authority may also have regard to the wage differentials between the highest and lowest paid employees;
- Compliance with legislation on skills development and the amounts spent on the training of blacks and participation in learnership programmes;
- Enterprise development; and
- Corporate social investment.

**(b) Prior involvement in, and knowledge of, the large pelagic longline fishery**

Applicants will be considered having regard to their knowledge of and prior involvement in the large pelagic longline fishery, which will include taking into account whether the applicant or any of its shareholders participated in the tuna longline experimental fishery and the pelagic shark fishery, and the performance record of the participant. Regard will also be had to the information provided in the fishing plans.

**(c) Investment in the large pelagic fishery**

Applicants will be considered having regard to their investments in a suitable vessel, gear and other relevant equipment. It must be noted that applicants that have access to a suitable vessel by way of a charter agreement (including bareboat charters) shall not be permitted to charter suitable vessels for a period

exceeding 5 years from date of allocation of the fishing right. Further, regard will be had to the freezing capacity of tuna vessels;

**(d) Capacity to process and market large pelagic**

Applicants will be considered having regard to their ability to process and market tuna and swordfish successfully;

**(e) Level of South African management and ownership**

As far as transformation of the large pelagic fishery is concerned, a priority is to allocate rights to suitable applicants that are either wholly or substantially (i.e. more than 50%) owned<sup>3</sup> and managed<sup>4</sup> by South African persons. Preference will be given to historically disadvantaged persons ("HDP's")<sup>5</sup> or to entities whose ownership and management comprises HDP's. In instances of joint ventures between South African persons and non-South African persons, regard will be had to skills transfer plans aimed at the empowerment of South Africans. In addition, regard will be had to whether applicants comply with legislation such as the Employment Equity Act of 1998;

**(f) Skills Development**

Applicants will be considered having regard to the development of skills and transfer of skills to South Africans in respect of joint venture arrangements entered into between South African and foreign partners. Skills development plans should

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<sup>3</sup> Owned or Ownership means beneficial ownership, in terms of which the shareholder or member is entitled to participate equitably in the profits of the entity;

<sup>4</sup> Managed or Management means being able to participate fully in the management of the entity, including hiring and firing staff, entering into binding contracts on behalf of the entity and being able to sign negotiable instruments on behalf of the entity;

<sup>5</sup> Historically disadvantaged person means a person who belongs to a group of persons that suffered unfair discrimination on the basis of race and gender in terms of the system of Apartheid.

clearly indicate the skills to be addressed and the timeframe for effective skills transfer.

**(g) Ability to commence with the harvesting of large pelagic**

Applicants will be considered having regard to their ability to commence with the harvesting of large pelagic using longline gear. Preference will be given to applicants who are able to demonstrate that they have a suitable vessel, the applicable equipment, gear, skills and other capacity required to commence with the harvesting of large pelagic immediately upon the allocation of a right; and

**(h) Compliance with the MLRA and international and comparative foreign law**

Rights will not be allocated to applicants who (including whose directors, shareholders or members) were convicted of a breach of the provisions of the MLRA or plead guilty to breaching a provision of the MLRA, its Regulations or Permit Conditions, or was served with a Section 28 Notice and had a right or permit subsequently cancelled or revoked, or who acted in any way that violated any RFMO or the provisions of any other country's marine and/or fisheries laws.

**8. Suitable Applicants**

Rights will only be allocated to South African persons who:

- (a) have invested in or have a right of access to a suitable vessel;
- (b) demonstrate a capacity to harvest and market tuna and swordfish;
- (c) demonstrate a willingness to invest in and participate in the risks associated with this fishery; and
- (d) have never been convicted of an offence under or breached a provision of the Marine Living Resources Act, 1998 (Act No. 18 of 1998).

The suitability of applicants will also be determined having regard to whether they are able to activate their fishing permits through fishing, within one (1) year of the right being allocated.

#### 9. Suitable Vessels

The Department recognises that, because of a lack of suitable South African vessels and South Africa's limited experience in the large pelagic longline fishery, joint ventures with non-South Africans may be a necessity. Notwithstanding this, joint ventures between South Africans and non-South Africans must be majority owned by South Africans (i.e. must be South African persons) and managed by South Africans. Evidence of fronting of South Africans will adversely affect an application.

Rights will only be granted to suitable applicants who demonstrate ownership of or right of access to a suitable vessel. The suitability of vessels will be determined having regard to, *inter alia*, vessel length (including the performance record of vessels), the ability to monitor and control the vessel and nationality of the vessel.

Applicants that intend to target tuna will have to demonstrate ownership of or right of access to a vessel with a minimum South African Maritime Safety Authority ("SAMSA") registered length of approximately 24m. Preference will be given to vessels that have onboard freezing facilities.

The swordfish longline fishery has only South African-flagged vessels and there is thus no reason for foreign-flagged vessels to be considered in this fishery. Applicants that intend to target swordfish will have to demonstrate ownership of or right of access to a South African-flagged vessel with a minimum SAMSA registered length of approximately 18m. Vessels with lengths less than 18m may be considered having regard to their performance record.

Further, regardless of the fish stock being targeted, the nominated vessel must:

- (a) have a functioning INMARSAT C-based vessel monitoring system ("VMS") installed; and
- (b) not be a vessel that is listed on the official negative vessel lists of ICCAT, the IOTC or the CCSBT.

It is recognised that due to South Africa's limited participation in the tuna longline fishery, there are a limited number of suitable South African-flagged vessels. Accordingly, preference will be given to applicants who demonstrate right of access to or ownership of a suitable vessel with the intention of reflagging to South Africa.

Experience subsequent to the long-term rights allocation process of 2005 has shown that the reflagging process could be both lengthy and costly. The reflagging process is dependent on the economic profitability of the tuna fishery, including access to international markets, especially the Japanese sashimi market.

Therefore, foreign-flagged vessels will be considered for tuna longline fishing provided that the foreign-flagged vessel:

- (a) has an initial one-year trial period to determine the feasibility of the joint venture and the reflagging process;
- (b) prior to commencing the second year of fishing the Right Holder must present the Department with a reflagging and skills transfer schedule indicating targets and timelines. The Department will monitor this process very closely through quarterly reporting on progress by the Right Holder;
- (c) carries, at the cost of the Right Holder, observers nominated by the Department on all fishing trips;
- (d) in terms of section 39 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), be authorised by the relevant authority of the Flag State, in writing, that all catches of large pelagic species, whether harvested on the high seas or in South

Africa's Exclusive Economic Zone, shall accrue to South Africa for the duration of the charter or joint venture agreement; and

- (e) owners and operators submit in writing that the vessel shall be subject to laws that govern in the territory of the Republic of South Africa for the duration of the charter or joint venture agreement.

Below is a schematic flow diagram of the desired approach for reflagging vessels in tuna longline:



#### 10. Landing sites

Right Holders using South African-flagged vessels will be permitted to land catches at any of the following ports:

- Saldanha Bay
- Hout Bay
- Cape Town
- Port Elizabeth
- East London
- Durban; and
- Richards Bay

The above notwithstanding, Right Holders that use foreign-flagged vessels shall only be entitled to land their catches at the following ports:

- Cape Town
- Port Elizabeth
- Durban; and
- Richards Bay



## 11. Total Allowable Effort (TAE)

To date, a South African catch record has steadily been developed for tuna and swordfish, but particularly for swordfish. However, swordfish catch rates along the western edge of the Agulhas Bank declined by 70% between the last quarter of 1997 and the first quarter of 1999. This strongly suggests that a case of localised swordfish depletion has occurred.

To avoid further declines in swordfish catch rates within South Africa's exclusive Economic Zone ("EEZ") and to ensure an economically viable fishery;

- (a) 20 swordfish directed rights were available for long-term rights allocation in 2005, with at least **2 remaining to be allocated in 2007**; and
- (b) 30 tuna directed rights were available for long-term rights allocation in 2005, with at least **4 remaining to be allocated in 2007**.

As stated in paragraph 4.2 above, the current targeting of pelagic sharks by shark longline exemption holders will be integrated into the large pelagic longline fishery. There will not be a separate pelagic shark longline fishery. Accordingly, current pelagic shark longline exemption holders should apply for a large pelagic right in terms of this policy. Shark longline exemption holders who apply successfully for a large pelagic commercial fishing right in terms of this policy will be prohibited from targeting pelagic sharks but shall be entitled to catch pelagic sharks as a bycatch subject to limitations. Thereafter, no person shall be entitled to target pelagic sharks using longline.

## 12. Nationality of Catch

All landings of large pelagic stocks made in terms of rights allocated under the MLRA shall accrue to South Africa.

**13. Limitations on Applications**

Applicants shall be entitled to apply for both a tuna-directed right and a swordfish-directed right, provided that such applicants nominate separate suitable vessels for each fishery. Applicants shall not be entitled to lodge more than one application for either a tuna- or swordfish-directed right.

**14. Application Fee and Levies**

An application fee will be determined for the rights allocation application process. In addition, the Department will charge levies on all fish landed by Right Holders. These levies will be published in the Government Gazette.

Levies may be adjusted by the Department at any time and notice of new levies will be published in the Government Gazette. Levies payable on fish landed by foreign-flagged vessels shall be at a higher rate than for South African-flagged vessels.

**15. Outstanding Fees and Levies**

The Department may elect to not allocate a right to any applicant who is a Right Holder with any levies or fees outstanding for a period in excess of 60 days.

**16. Performance**

All Right Holders will be expected to have fully commenced with the harvesting of both tuna and swordfish as stipulated under the respective permit conditions within one year of the right having been granted. The fishing performance of Right Holders will be monitored periodically.

## **17. Performance Measuring**

The Department will undertake formal performance measuring exercises for the duration of the commercial fishing rights. It is envisaged that the first performance measuring exercise will take place after two years (in 2007) and thereafter every three years.

Although the Department will finalise the precise criteria against which Right Holders will be measured after the allocation of commercial fishing rights, and after consulting with Right Holders, the following broad performance-related criteria may be used:

- transformation;
- investment in vessels, factories and gear;
- sustainable utilisation, and in particular by-catch mitigation and reduction and the biological and ecological impacts of longlining;
- tuna and swordfish catch performance;
- compliance with applicable laws and regulations.

The purpose of performance measuring will be to ensure that the objectives of the fishery are being met and that management methodologies and procedures remain current and suitable for the fishery.

## **18. Management Measures**

The regulation of the commercial large pelagic longline fishery will be in terms of permit conditions designed to ensure the fulfilment of the purpose and objectives of this policy and South Africa's obligations in terms of the various management measures of the applicable RFMO's. The following principal regulatory measures will apply to the harvesting of tuna and swordfish in the Atlantic and Indian Oceans.

<b>Atlantic Ocean</b>	<b>Indian Ocean</b>
<b>Swordfish Directed (Tuna bycatch)</b>	<b>Swordfish Directed (Tuna bycatch)</b>
ICCAT swordfish country allocation of 1200t.	No catch limit for swordfish.
No catch limit on tunas, except for southern bluefin.	No catch limit on tunas, except for southern bluefin.
Olympic system until 80% of swordfish and southern bluefin TAC reached. Thereafter, industry together with the Department is to manage the remaining allocation.	Olympic system until 80% of southern bluefin tuna TAC reached. Thereafter, industry together with the Department is to manage the remaining allocation.
Swordfish directed harvesting will be halted once the ICCAT determined country allocation has been harvested.	No upper catch limit.
12 nautical mile exclusion limit, up to 20°E, as well as the area known as the "Cape Canyon".	12 nautical mile exclusion limit, from 20°E to the southern KwaZulu-Natal (KZN) / Eastern Cape provincial border. A 20 nautical mile exclusion limit with an additional 4 mile seaward buffer area for the entire KZN province.
<b>Atlantic Ocean</b>	<b>Indian Ocean</b>
<b>Tuna Directed (Swordfish bycatch)</b>	<b>Tuna Directed (Swordfish bycatch)</b>
No catch limit on tunas, except for southern bluefin tuna	No catch limit on tunas, except for southern bluefin tuna.
A 15% swordfish bycatch ( <i>vis a vis</i> the number of tuna caught) will be permitted.	<ul style="list-style-type: none"> <li>◇ High Seas: No swordfish bycatch limitation.</li> <li>◇ SA EEZ: A 15% swordfish bycatch (<i>vis a vis</i> the number of tuna caught) will be permitted.</li> </ul>
Olympic system until 80% of swordfish and southern bluefin TAC reached. Thereafter, industry together with the Department is to manage the remaining allocation.	Olympic system until 80% of southern bluefin tuna TAC reached. Thereafter, industry together with the Department is to manage the remaining allocation.
12 nautical mile exclusion limit, up to 20°E, as well as the area known as the "Cape Canyon".	12 nautical mile exclusion limit, from 20°E to the southern KwaZulu-Natal (KZN) / Eastern Cape provincial border. A 20 nautical mile exclusion limit with an additional 4 mile seaward buffer area for the entire KZN province.

The above regulatory regime is subject to change should the applicable RFMO set further catch limitations / restrictions on either tuna or swordfish in either ocean.

In addition to the above regulatory controls, Right Holders will be required to:

- Not fish in the Atlantic and Indian Ocean on the same trip unless an observer is present;

- If tuna directed, limit their swordfish bycatch to 15% (*vis a vis* the number of tuna caught) if tuna harvesting is undertaken on the high seas and within the South African EEZ during the same fishing trip; and
- Not transship while at sea, but transship in port in the presence of a Fishery Control Officer.

#### **19. Observers**

All foreign-flagged vessels shall be required to carry, at the cost of the Right Holder, Departmentally approved observers during all fishing trips. South African vessels will be required to carry observers on a proportion of their fishing trips, which costs may be borne by the Right Holder.

#### **20. Permit Conditions**

Permit conditions for this fishery will be issued annually. The permit conditions will be determined in consultation with Right Holders in this fishery and will be subject to revision as and when it may be necessary, having regard for management measures of RFMO's responsible for tuna and tuna-like species management and conservation, like CCSBT, ICCAT and IOTC.



APPLICATION NO: MLPT XXXXX

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**

**BRANCH: MARINE AND COASTAL MANAGEMENT**

**APPLICATION FOR THE GRANTING OF A COMMERCIAL FISHING RIGHT IN TERMS OF SECTION 18 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998) ("THE ACT")**

**Please note that you may only apply for a Tuna Longline directed right on this application form. Should you wish to also apply for a Swordfish directed right then you must complete the Swordfish Longline Application Form. A further application fee of R6700 is applicable. Before completing this application form you are advised to read the Policy for the Management of and Allocation of Commercial Fishing Rights in the Large Pelagics (Tuna and Swordfish Longline) Fishery (Additional Total Allowable Effort (TAE)): 2007 and the instructions contained in the Government Gazette Notice.**

**TUNA LONGLINE APPLICATION FORM**

**APPLICANT DETAILS**

Name of Applicant

ID / Registration number of applicant

% Shares / Interest owned by South African persons:  %

Has the applicant applied for a Swordfish Longline directed right? Yes  No

**VESSEL DETAILS**

Name of vessel

Area/ Registration number of vessel  Length of Vessel  ,  m

Flag State

Preferred Landing Site  Home Port

Section 1	
APPLICANT INFORMATION	
1.1 Registered name of applicant:	<input style="width: 90%;" type="text"/>
1.2 Trading name of applicant:	<input style="width: 90%;" type="text"/>
1.3 Identity or Registration number :	<input style="width: 90%;" type="text"/>
1.4 Income tax number:	<input style="width: 90%;" type="text"/>
1.5 Vat number:	<input style="width: 90%;" type="text"/>
1.6 Physical Address:	<input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 100px;" type="text"/></div>
1.7 Postal Address:	<input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 100px;" type="text"/></div>
	Area Code
1.8 Telephone number:	<input style="width: 100px;" type="text"/> <input style="width: 150px;" type="text"/>
1.9 Facsimile number :	<input style="width: 100px;" type="text"/> <input style="width: 150px;" type="text"/>
1.10 Authorised contact person's details:	
	<b><u>(Please note that this is the person the Department will correspond with regarding this application)</u></b>
a) First name:	<input style="width: 90%;" type="text"/>
b) Surname:	<input style="width: 90%;" type="text"/>
c) Identity number:	<input style="width: 90%;" type="text"/>
d) Position held:	<input style="width: 90%;" type="text"/>
e) Cellular number:	<input style="width: 90%;" type="text"/>
f) E-mail address:	<input style="width: 90%;" type="text"/>
1.11 Is the applicant a South African person as defined in the Act?	Yes <input style="width: 30px;" type="checkbox"/> No <input style="width: 30px;" type="checkbox"/>

Section 2 <b>FINANCIAL INFORMATION</b>	
2.1 What is the applicant's most recent audited, verified or certified Annual Total?	<input style="width: 100%;" type="text" value="R"/>
2.2 What amount and % of the above total is derived from fishing related activities?	<input style="width: 60%;" type="text" value="R"/> <input style="width: 10%; text-align: center;" type="text"/> %
2.3 The applicant <b>must</b> provide details as to what these activities are and the Rand amount each contribute to the amount in (2.2) as <b>Annexure B.3</b> .	
2.4 What amount of the total indicated in (2.2) is derived from catching operations and to which fish stocks does this pertain?	<input style="width: 100%;" type="text" value="R"/>
2.5 What amount of the total indicated in (2.2) is derived from processing operations and to which fish stocks does this pertain?	<input style="width: 100%;" type="text" value="R"/>
2.6 What amount of the total indicated in (2.2) is derived from marketing and to which fish stocks does this pertain?	<input style="width: 100%;" type="text" value="R"/>
2.7 Auditor's / Accounting Officer's details:	
a) Company name:	<input style="width: 100%;" type="text"/>
b) First name:	<input style="width: 100%;" type="text"/>
c) Surname:	<input style="width: 100%;" type="text"/>
d) Identity number:	<input style="width: 100%;" type="text"/>
e) Telephone number:	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"><input style="width: 100%;" type="text"/></div> <div style="width: 45%;"><input style="width: 100%;" type="text"/></div> </div>
f) Facsimile number:	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"><input style="width: 100%;" type="text"/></div> <div style="width: 45%;"><input style="width: 100%;" type="text"/></div> </div>
g) Cellular number:	<input style="width: 100%;" type="text"/>
h) E-mail address:	<input style="width: 100%;" type="text"/>
i) Physical Address:	<input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/> <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <span style="margin-right: 5px;">Postal Code</span> <input style="width: 100px;" type="text"/> </div>
j) Postal Address:	<input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/> <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <span style="margin-right: 5px;">Postal Code</span> <input style="width: 100px;" type="text"/> </div>
2.8 The applicant <b>must</b> provide a Budget Forecast for the Tuna fishery for the five (5) year period after the right has been granted as <b>Annexure B.4</b> . The forecast must be done on an annual basis and must clearly reflect the anticipated Income, Expenses and Capital Expenses.	
2.9 The applicant <b>must</b> provide a Cash Flow Forecast for the Tuna fishery for the five (5) year period after the right has been granted as <b>Annexure B.5</b> . The forecast must be done on an annual basis and must clearly reflect the anticipated Income, Expenses and Capital Expenses.	



Section 3	
PRIOR INVOLVEMENT INFORMATION	
	<p>3.1 Was the applicant involved in the Tuna Experimental Fishery or was the applicant a Pelagic Shark Longline Exemption Holder? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
	<p>3.2 If "Yes", in what capacity were you involved? (<i>You must tick the most appropriate box(es) below</i>)</p> <p style="text-align: center;">                 Permit holder <input type="checkbox"/>      Vessel owner <input type="checkbox"/>      Processing <input type="checkbox"/>                  Marketing <input type="checkbox"/>      Participation at RFMO's <input type="checkbox"/>      Other <input type="checkbox"/> </p> <p>a) If "Other", the applicant <b>must</b> provide details: _____</p> <p>b) If "Participation at RFMO's" the applicant <b>must</b> attach a detailed explanation of its participation at the different RFMO's as <b>Annexure E2</b>.</p>
	<p>3.3 Were any of the shareholder(s), member(s), trustee(s) or beneficiary(ies) of the applicant involved in the Tuna Experimental Fishery or Pelagic Shark Longline Exemptions? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
	<p>3.4 If "Yes", the applicant <b>must</b> complete the information required below: (<i>You must complete one entry for each declaration</i>)</p>
1	<p>a) Full name: <input style="width: 95%;" type="text"/></p> <p>b) In what capacity was the involvement? (<i>You must tick the most appropriate box(es) below</i>)</p> <p style="text-align: center;">                 Permit holder <input type="checkbox"/>      Vessel owner <input type="checkbox"/>      Processing <input type="checkbox"/>      Marketing <input type="checkbox"/>      Other <input type="checkbox"/> </p> <p>If "Other", please provide details: _____</p> <p>c) Years involved in the Tuna Experimental Fishery or Pelagic Shark Longline Exemptions? <input style="width: 50px;" type="text"/></p>
2	<p>a) Full name: <input style="width: 95%;" type="text"/></p> <p>b) In what capacity was the involvement? (<i>You must tick the most appropriate box(es) below</i>)</p> <p style="text-align: center;">                 Permit holder <input type="checkbox"/>      Vessel owner <input type="checkbox"/>      Processing <input type="checkbox"/>      Marketing <input type="checkbox"/>      Other <input type="checkbox"/> </p> <p>If "Other", please provide details: _____</p> <p>c) Years involved in the Tuna Experimental Fishery or Pelagic Shark Longline Exemptions? <input style="width: 50px;" type="text"/></p>
3	<p>a) Full name: <input style="width: 95%;" type="text"/></p> <p>b) In what capacity was the involvement? (<i>You must tick the most appropriate box(es) below</i>)</p> <p style="text-align: center;">                 Permit holder <input type="checkbox"/>      Vessel owner <input type="checkbox"/>      Processing <input type="checkbox"/>      Marketing <input type="checkbox"/>      Other <input type="checkbox"/> </p> <p>If "Other", please provide details: _____</p> <p>c) Years involved in the Tuna Experimental Fishery or Pelagic Shark Longline Exemptions? <input style="width: 50px;" type="text"/></p>
<p>(Should you require space to provide additional declarations you must attach it as <b>Annexure F</b>)</p>	

<b>Section 3</b>					
<b>PRIOR INVOLVEMENT INFORMATION (CONTINUED)</b>					
3.5 If you indicated "Permit holder" in 3.2 or 3.4 (as the case may be), you <b><u>must</u></b> provide the information required in the tables below:					
a)	<b>Year</b>	<b>Name of vessel used?</b>	<b>Total Tuna landed (MT)</b>	<b>Total Swordfish landed (MT)</b>	<b>Total Shark landed (MT)</b>
1997					
1998					
1999					
2000					
2001					
2002					
2003					
2004					
2005					
2006					
2007					
<b>Totals</b>					

## Section 4: Part 1

**TRANSFORMATION: SHAREHOLDERS, MEMBERS, TRUSTEES OR BENEFICIARY DETAILS**

4.1 The applicant **must** provide the information requested in the table below in respect of all its shareholder(s), member(s), trustee(s) or beneficiary(ies):

No.	Full Name	Identity/Registration number	Male/ Female	Black Persons (Y/N)	% Interest held
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

*(Should you require space to provide additional shareholder, trustee or beneficiary details you must attach it as **Annexure G**)*

4.2 If Shareholder(s) or beneficiary(ies) are company(ies), close corporation(s) or trust(s), the above information **must** be repeated in respect of each such entity as **Annexure G**.

4.3 You **must** attach a letter from your Auditor or Accounting Officer confirming the applicant's shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each, and the nationality of each as **Annexure H**.

4.4 You **must** attach certified copy(ies) of the Identity documents for all the applicant's director(s), shareholder(s), member(s), trustee(s) and or beneficiary(ies) as **Annexure I**.

**Section 4: Part 2**  
**TRANSFORMATION: OWNERSHIP AND MANAGEMENT PROFILE**

4.5 The applicant **must** provide the information required in the tables below with regard to its ownership profile:

Is the applicant a company?  Yes  No

If "Yes", complete the table below in respect of shareholding held by black persons based on the flow through principle:

Year	Percentage Shareholding Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage of Dividends Black Shareholders are Entitled To
2007 (at date of application)			

Complete the following table in relation to shareholding held by women based on the flow through principle:

Year	Percentage Shareholding Held by Women	Percentage Voting Rights Held by Women	Percentage of Dividends Women are Entitled To
2007 (at date of application)			

Did the applicant have a share scheme in place in 2006 for employees?  Yes  No

Complete the following table in relation to monies paid to shareholders:

Year	Salaries Paid to Shareholders	Loans Made to Shareholders	Dividends Paid to Shareholders
2005 (financial year)			
2006 (financial year)			
2007 (financial year)			

Was the applicant managed by another entity, or was any catching, processing or marketing performed by another entity during the 2006 financial year?  Yes  No

If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity during the 2006 Financial Year	Rand Amount as a Percentage of the Applicant's Total Turnover in 2006
Management		
Catching		
Processing		
Marketing		

4.6 The applicant **must** provide the information required in the table below with regard to its management profile:

	Gender	A		C		I		W		Total	
		No	%	No	%	No	%	No	%	ACI%	F%
Top and Senior Management / Senior Officials and Managers 2007 (if not designated as at financial year end 2006)	Male										
	Female										

**Section 4: Part 3**

**TRANSFORMATION: EMPLOYMENT EQUITY**

4.7 The applicant **must** provide the information requested in the table below in respect its employment profile:

Occupational Categories	Gender	Total									
		A No	A %	C No	C %	I No	I %	W No	W %	ACI%	F %
Top & Senior Management / Senior Officials and Managers	Male										
	Female										
Professionally Qualified and experienced specialists and mid-management Professionals	Male										
	Female										
Skilled Technical and academically qualified workers, supervisors, foremen, and superintendents / Technicians and Associate Professionals	Male										
	Female										
Semi-skilled and discretionary decision-making and unskilled and undefined decision-making / Clerks, Service & Sales Workers, Fishery Workers, Artisans & Related Trade Workers, Plant & Machine Operators & Assemblers Elementary Occupations	Male										
	Female										
TOTAL	Male										
	Female										

A = African, C = Coloured, I = Indian, W = White, M = Male, F = Female, ACI = African Coloured and Indian

## Section 4: Part 4

**TRANSFORMATION: EMPLOYMENT EQUITY**

4.8 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998? Yes  No

a) If "Yes", has the applicant complied with the Employment Equity Act, 55 of 1998? Yes  No

i) If "No", you **must** provide reasons why the applicant has not complied as **Annexure J.1**.

b) If the applicant is not a designated employer, has the applicant voluntarily complied with the Employment Equity Act, 55 of 1998? Yes  No

4.9 If the answer to (4.8.a) is "Yes", you **must** indicate below which areas of the Employment Equity Act, 55 of 1998 you have complied with.

a) Has the applicant reported to the Department of Labour in terms of section 20 of the Employment Equity Act? Yes  No

• If "Yes", the applicant **must** attach proof as **Annexure J.2**.

b) Has the applicant conducted an Analysis as required by Section 19 of the Employment Equity Act? Yes  No

• If "Yes", the applicant **must** attach proof as **Annexure J.3**.

c) Has the applicant reported to the Department of Labour in terms of section 27 of the Employment Equity Act? Yes  No

• If "Yes", the applicant **must** attach proof as **Annexure J.4**.

d) Have you received a written acknowledgment or other communication regarding your report(s) from the Department of Labour? Yes  No

• If "Yes", the applicant **must** attach proof as **Annexure J.5**.

e) Has the applicant developed an Employment Equity Plan? Yes  No

• If "Yes", the applicant **must** attach proof as **Annexure J.6**.

**Section 4: Part 5**

**TRANSFORMATION: SKILLS DEVELOPMENT AND SKILLS TRANSFER**

4.1 Complete the following table in relation to compliance with the Skills Development Levies Act 9 of 1998:

Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2004 (financial year end)					
2005 (financial year end)					
2006 (financial year end)					
2007 (financial year end)					

4.11 Did the applicant participate in a learnership programme during 2006  Yes  No

4.12 If "Yes", indicate the number of learnership as a percentage of the employees in respect of whom the applicant prepared IRP5 certificates in 2006 (tax year end).

4.13 Did the applicant participate in any other skills development programmes through its SETA in 2006 such as an SME Support Strategy?  Yes  No

4.14.1 How many skippers are used by the applicant?

4.14.2 What percentage of these skippers are black?

4.15 Where the applicant has been incorporated as a result of a joint venture between South African persons and non-South African persons, the following information **must** be provided as **Annexure J.10** :

- a) A detailed plan describing how skills will be transferred to the South African member(s) of the joint ventures; and
- b) What skills will be transferred and the time frames for these transfers.

Section 5	
DECLARATION OF INTEREST HELD BY THE APPLICANT IN OTHER FISHING RIGHTS	
5.1 Does the applicant hold, whether directly or as a shareholder, any commercial fishing rights?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5.2 If "Yes", the applicant <b>must</b> declare the following information: <b>(You must complete one entry for each declaration)</b>	
1	a) Sector in which right is held? <input style="width: 100%;" type="text"/> b) Name of right holder: <input style="width: 100%;" type="text"/> c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/> d) What % of the right is held by the applicant? <input style="width: 50px;" type="text"/> % (e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/>
2	a) Sector in which right is held? <input style="width: 100%;" type="text"/> b) Name of right holder: <input style="width: 100%;" type="text"/> c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/> d) What % of the right is held by the applicant? <input style="width: 50px;" type="text"/> % (e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/>
3	a) Sector in which right is held? <input style="width: 100%;" type="text"/> b) Name of right holder: <input style="width: 100%;" type="text"/> c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/> d) What % of the right is held by the applicant? <input style="width: 50px;" type="text"/> % (e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/>
4	a) Sector in which right is held? <input style="width: 100%;" type="text"/> b) Name of right holder: <input style="width: 100%;" type="text"/> c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/> d) What % of the right is held by the applicant? <input style="width: 50px;" type="text"/> % (e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/>
<b>(Should you require space to provide additional interest(s) held by the applicant you must attach it as</b>	
5.3 Does the applicant hold any interest in any other company(ies), close corporation(s) or trust(s) that hold an interest(s) in a commercial fishing right?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
5.4 If "Yes", the applicant <b>must</b> attach the information as required by (5.2) above, as <b>Annexure K</b> .	



## Section 6

## DECLARATION OF INTEREST HELD IN OTHER FISHING RIGHTS

6.1 Does the shareholder(s), member(s), trustee(s) or beneficiary(ies) of the applicant hold, whether directly or as a shareholder, any commercial fishing rights? Yes  No

6.2 If "Yes", the applicant **must** declare the following information:  
(You **must** complete one entry for each declaration)

1 a) Sector in which right is held?   
 b) Name of right holder:   
 c) Details of actual allocation granted (TAC or TAE):   
 d) What % of the right is held by the applicant?  %  
 (e) Indicate the vessel(s) that is utilised:

2 a) Sector in which right is held?   
 b) Name of right holder:   
 c) Details of actual allocation granted (TAC or TAE):   
 d) What % of the right is held by the applicant?  %  
 (e) Indicate the vessel(s) that is utilised:

3 a) Sector in which right is held?   
 b) Name of right holder:   
 c) Details of actual allocation granted (TAC or TAE):   
 d) What % of the right is held by the applicant?  %  
 (e) Indicate the vessel(s) that is utilised:

4 a) Sector in which right is held?   
 b) Name of right holder:   
 c) Details of actual allocation granted (TAC or TAE):   
 d) What % of the right is held by the applicant?  %  
 (e) Indicate the vessel(s) that is utilised:

(Should you require space to provide additional entries you **must** attach it as Annexure L)

Section 7: Part 1			
VESSEL: VESSEL & GEAR INFORMATION			
7.1 Name of vessel to be used to harvest Tuna:			
7.2 Area/ Registration number		7.3 Radio Call Sign	
7.3 Vessel length	,      m	7.5 Number of crew	
7.4 Where the vessel length of the nominated vessel is less than 24 m, the following table must be completed:			
Year	Total Tuna landed (MT)	Total Swordfish landed (MT)	Total Shark landed (MT)
1997			
1998			
1999			
2000			
2001			
2002			
2003			
2004			
2005			
2006			
2007			
<b>Totals</b>			
7.4 Was the vessel used in the Tuna Experimental Fishery or Pelagic Shark Exemptions?      Yes <input type="checkbox"/> No <input type="checkbox"/>			
7.5 Does the vessel have on board freezing facilities?      Yes <input type="checkbox"/> No <input type="checkbox"/>			
a) If "Yes", the applicant <b>must</b> indicate the type of freezing facilities: _____			
7.6 Is the vessel fitted with an Inmarsat-C Vessel Monitoring System?      Yes <input type="checkbox"/> No <input type="checkbox"/>			
7.7 If the vessel is currently foreign flagged the following information, documentation and written undertakings must be provided:			
a) Flag State: <span style="border: 1px solid black; display: inline-block; width: 200px; height: 15px;"></span>			
b) Is the Flag State a Contracting Party to ICCAT?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
c) Is the Flag State a Contracting Party to IOTC?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
d) Is the Flag State a Contracting Party to CCSBT?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
e) Has a SAMSA pre-registration survey (SAMSA Marine Circular No. 8 of 2003) been done?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
f) The applicant <b>must</b> attach a provisional vessel re-flagging and skills transfer schedule as <b>Annexure P</b> .			
g) The applicant <b>must</b> attach written authorisation from the Flag State Fisheries Authority that all catches of large pelagics, whether harvested in the South African EEZ or on the high seas, will accrue to South Africa as <b>Annexure Q</b> .			
h) The applicant <b>must</b> attach a written undertaking from the owners and operators of the vessel that the vessel will be subject to the laws of the Republic of South Africa for the duration of the chartering agreement/Joint Venture and use of the vessel to harvest Tuna as <b>Annexure R</b> .			

**Section 7:Part 2**

**VESSEL: RIGHT OF ACCESS**

7.8 The applicant must tick the box which describes its right of access to the vessel nominated in (7.1) and must attach the required documentation as **Annexure S** :

a) Sole Owner

b) Shareholder in the vessel  **(You must attach proof of shareholding and relevant signed agreement)**

Please indicate %  %

c) Purchase agreement **(You must attach a certified copy of the purchase agreement)**

d) Bareboat Charter Agreement  **(You must attach a certified copy of the signed agreement)**

e) Charter Agreement  **(You must attach a certified copy of the signed agreement)**

f) Catching agreement  **(You must attach a certified copy of the signed agreement)**

7.9 The applicant must provide the following information with regard to each crew member as indicated in its proposal to SAMSA as to how it intends to crew the vessel as **Annexure T** :

- a) Names of crew members
- b) Identity Numbers of crew members
- c) Rank of crew members
- d) Nationality of crew members
- e) Qualification(s) of crew members

7.10 The applicant must indicate the period required to assemble the crew in  days  months South Africa:

Section 7: Part 3															
VESSEL: VESSEL OWNER DETAILS															
7.11 Vessel owner details:															
a) Name:	<input style="width: 95%;" type="text"/>														
b) Identity/ Registration number:	<input style="width: 95%;" type="text"/>														
c) Nationality:	<input style="width: 95%;" type="text"/>														
d) Physical address:	<input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 150px;" type="text"/></div>														
e) Postal address:	<input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 150px;" type="text"/></div>														
f) Authorised contact person's details:															
Full Name:	<input style="width: 95%;" type="text"/>														
Identity number:	<input style="width: 95%;" type="text"/>														
Telephone number:	<div style="text-align: center; margin-bottom: 5px;">Area Code</div> <input style="width: 100px;" type="text"/> <input style="width: 150px;" type="text"/>														
Facsimile number:	<input style="width: 100px;" type="text"/> <input style="width: 150px;" type="text"/>														
Cellular number:	<input style="width: 95%;" type="text"/>														
g) From whom was the vessel purchased?	<input style="width: 95%;" type="text"/>														
h) When was the vessel purchased by the current vessel owner?	<table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> </tr> <tr> <td style="text-align: center; font-size: small;">y</td> <td style="text-align: center; font-size: small;">y</td> <td style="text-align: center; font-size: small;">y</td> <td style="text-align: center; font-size: small;">y</td> <td style="text-align: center; font-size: small;">m</td> <td style="text-align: center; font-size: small;">m</td> <td style="text-align: center; font-size: small;">d</td> </tr> </table>								y	y	y	y	m	m	d
y	y	y	y	m	m	d									
7.12 The applicant <b>must</b> provide the information and documentation in respect of the vessel owner as required below:															
a) Indicate what % is held by foreign shareholders, members, trustees or beneficiaries?	<input style="width: 50px;" type="text"/> %														
b) The applicant <b>must</b> attach the following documentation pertaining to the <u>vessel owner</u> :															
<ul style="list-style-type: none"> <li>● Certified copies of Identity/ Registration documentation as <b>Annexure U1</b> .</li> <li>● Letter from the vessel owner's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and indicating the nationality of each as <b>Annexure</b></li> <li>● Certified copies of the identity documents for all shareholders, members, trustees or beneficiaries, if natural persons as <b>Annexure U3</b> .</li> <li>● Certified copy of the purchase agreement from previous owner as indicated at (7.1.g) as <b>Annexure U4</b> .</li> </ul>															

Section 7: Part 4

**VESSEL: VESSEL HISTORY**

7.13 The applicant **must** provide the information requested in the table below in respect of the nominated vessel for the period 2001-2007, if the vessel was not previously engaged in fishing in the Tuna Experimental Fishery or Pelagic Shark Exemptions:

Year	Name and Nationality of Vessel Owner	Indicate Flag State during fishing operations	Indicate the targeted species during fishing operations	Indicate the months during which fishing operations occurred	Was the vessel on any RFMO's negative list(s) during fishing operations? (Yes / No)

(Should you require space to provide information for additional fishing operation(s) you **must** attach it as Annexure V1)

### Section 8 FISHING PLAN

8.1 The applicant **must** provide the information required below:

- a) Name of the nominated vessel:
- b) Please indicate the period anticipated to be ready to start fishing:  days  months
- c) Indicate your two (2) preferred landing sites:
- d) Indicate the vessel's home port:
- e) Vessel length:  ,  m      f) Hold capacity:  m<sup>3</sup>
- g) Number of hooks:       h) Length of longline:  km
- i) Length of buoy line  ,  m      j) Time of setting and haul:
- k) Does the vessel have freezing facilities? Yes  No
- If "Yes", the applicant must indicate the following:
    - i) What is the temperature range of the freezing facilities?  degrees  degrees  
lowest highest
    - ii) What is the capacity of the freezing facilities?  m<sup>3</sup>
- l) Will the catch be frozen or kept on ice? (Tick the appropriate box) Frozen  Kept on ice
- m) Intended number of days at sea per annum?  days
- n) The anticipated % of time that will be spent within the South African EEZ and on the High Seas: South African EEZ  % High Seas  %
- o) Average duration of fishing trips  days      m) What is the expected catch per annum?  MT
- p) The intended % split between Tuna and Swordfish: Tuna  %      Swordfish  %
- r) Indicate the type of longline gear to be utilised:
- s) Indicate the length of branch/ snood line to be utilised:  m
- t) Indicate the bait type to be utilised:
- u) Will light sticks be utilised? Yes  No
- v) The applicant **must** provide a fishing plan describing in detail the intended fishing operations as **Annexure V2**. The following issues must at minimum be addressed in the fishing plan:

- Anticipated timeframes.
- Description of gear to be utilised.
- Envisaged seasonal shift of species.
- Exact descriptions of anticipated fishing area/ grounds to be targeted.
- Whether harvesting will only take place within the South African EEZ.
- If the vessel is currently being utilised to harvest Pelagic Shark the following issue of adaptability **must** be specifically addressed for the following:
  - i) How would fishing operations be adapted to increase tuna catches? Please explain with time frames.
- Anticipated number of days fishing.
- How you intend adding value.
- The type of bird mitigation devices that will be utilised.

**Section 9**  
**PROCESSING TUNA AND SWORDFISH**

9.1 Which Fish Processing Establishment ("FPE") will process   
the tuna / swordfish harvested:

9.2 FPE details:

a) Name of owner:

b) Identity/ Registration number:

c) Physical address:   
  
  
  
Postal Code

d) Postal address:   
  
  
  
Postal Code

e) Authorised contact person's details:

Full Name:

Identity number:

Area Code  Telephone number:

Facsimile number:

Cellular number:

E-mail address:

9.3 The applicant **must** provide the information and documentation in respect of the FPE owner as required below:

a) Indicate what % is held by foreign shareholders, members, trustees or beneficiaries?  %

b) The applicant **must** attach the following documentation pertaining to the FPE owner:

- Certified copies of Identity/ Registration incorporation documentation as **Annexure W2**.
- Letter from the FPE owner's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and indicating the nationality of each as **Annexure W3**.
- Certified copies of the identity documents for all shareholders, members, trustees or beneficiaries, if natural persons as **Annexure W4**.

9.4 The applicant **must** provide a processing plan describing in detail the intended processing operations and what products the tuna and swordfish (including any other by-catch) will be processed into as **Annexure W5**.

<b>Section 10</b>	
<b>MARKETING TUNAS AND SWORDFISH</b>	
10.1 Name of Marketer:	<input style="width: 90%;" type="text"/>
10.2 Marketer's details:	
b) Identity/ Registration number:	<input style="width: 90%;" type="text"/>
c) Physical address	<input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 150px;" type="text"/></div>
d) Postal address	<input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 150px;" type="text"/></div>
e) Authorised contact person's details:	
Full Name	<input style="width: 95%;" type="text"/>
Identity number:	<input style="width: 95%;" type="text"/>
Telephone number	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">Area Code <input style="width: 100%;" type="text"/></div> <div style="width: 45%;"><input style="width: 100%;" type="text"/></div> </div>
Facsimile number	<input style="width: 45%;" type="text"/> <input style="width: 45%;" type="text"/>
Cellular number:	<input style="width: 95%;" type="text"/>
E-mail address:	<input style="width: 95%;" type="text"/>
10.3 Is the Marketer a South African person as defined in the Act?	Yes <input type="checkbox"/> No <input type="checkbox"/>
10.4 The applicant <b>must</b> provide the information and documentation in respect of the Marketer as required below:	
a) Indicate what % is held by foreign shareholders, members, trustees or beneficiaries?	<input style="width: 80px;" type="text"/> %
b) The applicant must attach the following documentation pertaining to the marketer:	
<ul style="list-style-type: none"> <li>● Certified copies of Identity/ Registration documentation as <b>Annexure X2</b>.</li> <li>● Letter from the marketer's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and indicating the nationality of each as <b>Annexure X3</b>.</li> <li>● Certified copies of the identity documents for all shareholders, members, trustees or beneficiaries, if natural persons as <b>Annexure X4</b>.</li> <li>● The applicant <b>must</b> provide a marketing plan describing in detail the intended marketing operations as <b>Annexure X5</b>. The following issues must at minimum be addressed in th marketing plan:</li> </ul>	
(i) Current Markets	(ii) Anticipated Markets
(iii) Previous marketing experience and knowledge of the fishery	



<b>Section 11</b>																	
<b>COMPLIANCE</b>																	
<b>Note: Should you fail to answer this section, the answers to 11.1, 11.3 and 11.5 will be deemed to be adverse to the applicant</b>																	
11.1 Has the applicant ever had any conviction(s) under the Act or pled guilty to breaching a provision of the Act, it's Regulations or permit conditions or been convicted under any Foreign State's marine/ fisheries law or has it ever had any commercial fishing right(s) revoked, cancelled or suspended in terms of Section 28 of the Act?	Yes <input type="checkbox"/> No <input type="checkbox"/>																
11.2 If "Yes", the applicant <b>must</b> declare all such conviction(s), guilty pleadings or revocation(s)/ cancellation(s)/ suspension(s) below: <b>(You must complete one entry for each declaration. If the answer is "No" to 11.1, then mark this part as "Not Applicable")</b>																	
a) Provide a brief description of the conviction, guilty pleading or revocation/ cancellation/ suspension in the space provided below:	b) Date of conviction, guilty pleadings or revocation/ cancellation/ suspension <table border="1" style="float: right; margin-left: 20px;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">y</td> <td style="text-align: center;">y</td> <td style="text-align: center;">y</td> <td style="text-align: center;">y</td> <td style="text-align: center;">m</td> <td style="text-align: center;">m</td> <td style="text-align: center;">d</td> <td style="text-align: center;">d</td> </tr> </table>									y	y	y	y	m	m	d	d
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<b>1</b>	<table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>																
c) Indicate the nature of the sanction that was imposed:	<table border="1" style="width: 100%; height: 20px;"> <tr> <td></td> </tr> </table>																
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y	y	y	y	m	m	d	d										
<b>2</b>	<table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>																
c) Indicate the nature of the sanction that was imposed:	<table border="1" style="width: 100%; height: 20px;"> <tr> <td></td> </tr> </table>																
<b>(Should you require space to provide additional non-compliance declarations you must attach it as <u>Annexure Y</u>)</b>																	
11.3 Has any of the applicant's director(s), shareholder(s), member(s), trustee(s) or beneficiary(ies) ever had any conviction(s) under the Act or pled guilty to breaching a provision of the Act, it's Regulations or permit conditions or been convicted under any Foreign State's marine/ fisheries law or has it ever had any commercial fishing right(s) revoked, cancelled or suspended in terms of Section 28 of the Act?	Yes <input type="checkbox"/> No <input type="checkbox"/>																
11.4 If "Yes", the applicant must provide the information required in the above declarations for each of its directors and shareholder(s), member(s), trustee(s) or beneficiary(ies) and attach it as <b>Annexure Z1</b> .																	
11.5 Is the nominated vessel currently or has it ever been placed on any RFMO's negative list?	Yes <input type="checkbox"/> No <input type="checkbox"/>																
11.6 If "Yes", the applicant must provide details regarding the negative listing as <b>Annexure Z2</b> . The following details must at minimum be provided:																	
<table style="width: 100%;"> <tr> <td style="width: 50%;"> <ul style="list-style-type: none"> <li>● On which RFMO negative list does it/ has it appeared on?</li> <li>● Date and duration of negative listing.</li> </ul> </td> <td style="width: 50%;"> <ul style="list-style-type: none"> <li>● The reason(s) for the negative listing.</li> <li>● The applicant, its director(s), shareholder(s), member(s), trustee(s) and or beneficiary(ies) involvement in the negative listed vessel.</li> </ul> </td> </tr> </table>		<ul style="list-style-type: none"> <li>● On which RFMO negative list does it/ has it appeared on?</li> <li>● Date and duration of negative listing.</li> </ul>	<ul style="list-style-type: none"> <li>● The reason(s) for the negative listing.</li> <li>● The applicant, its director(s), shareholder(s), member(s), trustee(s) and or beneficiary(ies) involvement in the negative listed vessel.</li> </ul>														
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<b>Section 12</b>			
<b>ANNEXURE PAGE</b>			
12.1 The applicant must provide the annexures as indicated in the table below and must tick off the relevant boxes when the required annexures are attached or indicate that it is not applicable (n/a).			
No.	Description of Annexure	Annexure reference	Attached (Y/N or n/a)
1	Certified copy(ies) of the applicants Identity/Registration document(s).	A1	
2	Certified copies of the Shareholder's Agreement and Dividend policy.	A2	
3	Original or certified copy of the applicant's valid Tax Clearance Certificate	B1	
4	Original or certified copies of the applicant's Tax Returns for the last two (2) years.	B2	
5	Details as to what these activities are and the Rand amount each contribute to the amount in (2.2)	B3	
6	Budget Forecast	B4	
7	Cash Flow Forecast	B5	
8	Certified copies of the most recently audited financial statement.	C	
9	Certified copies of the most recent management accounts.	D	
10	Experimental Tuna fishing or Pelagic Shark Exemption permit(s) in the name of the applicant.	E1	
11	Detailed explanation of involvement at RFMO's	E2	
12	Additional declaration(s) with regard to the applicant's shareholder(s), member(s), trustee(s) or beneficiary(ies) historical involvement in the Tuna (longline) fishery experiment.	F	
13	Additional shareholder(s), member(s), trustee(s) or beneficiary(ies) information.	G	
14	Letter from applicant's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and the nationality of each.	H	
15	Certified copy(ies) of Identity document(s) of the applicant's shareholder(s), member(s), trustee(s) or beneficiary(ies) .	I	
16	Reasons for non-compliance as per (4.8.a.i)	J1	
17	Report submitted in terms of section 20 of the Employment Equity Act	J2	
18	Copy of analysis or information regarding the outcome of the analysis in terms of section 19 of the Employment Equity Act	J3	
19	Report submitted in terms of section 27 of the Employment Equity Act	J4	
20	Written acknowledgment or other communication regarding your report(s) from the Department of Labour	J5	
21	Certified copy of Employment Equity Plan	J6	
22	Reasons as required by (4.12.a)	J7	
23	Details as required by (14.13.a)	J8	
24	Reasons as required by (4.13.b)	J9	
25	Information as required by (4.14)	J10	
26	Additional declaration(s) of interest(s) held by applicant.	K	
27	Additional declaration(s) of interest(s) held by shareholder(s), member(s), trustee(s) or beneficiary(ies).	L	
28	Certified copies of the SAMSA Local General Safety Certificate and Safe Manning Document.	M	

<b>Section 12</b>			
<b>ANNEXURE PAGE [CONTINUED]</b>			
12.1 continued			
No.	Description of Annexure	Annexure reference	Attached (Y/N or n/a)
29	Experimental Tuna fishing or Pelagic Shark Exemption permit(s) reflecting the nominated vessel.	N	
30	SAMSA pre-registration survey documentation (SAMSA Marine Circular No. 8 of 2003).	O	
31	A provisional vessel re-flagging and skills transfer schedule.	P	
32	Written authorisation from the Flag State Fisheries Authority that all catches of large pelagics, whether harvested in South African EEZ or on the high seas, shall accrue to South Africa.	Q	
33	Written undertaking from owners and operators of the vessel that the vessel shall be subject to laws that govern in the territory of the Republic of South Africa.	R	
34	Documentation with regard to vessel access	S	
35	Crew member information	T	
36	Certified copy(ies) of the vessel owner's Identity/Registration document(s).	U1	
37	Letter from vessel owner's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and the nationality of each.	U2	
38	Certified copy(ies) of Identity document(s) of the vessel owner's shareholder(s), member(s), trustee(s) or beneficiary(ies) .	U3	
39	Purchase agreement as required by (7.12.b)	U4	
40	Information for additional fishing operation(s)	V1	
41	Detailed fishing plan describing the intended fishing operations	V2	
42	Certified copy of signed agreement with FPE.	W1	
43	Certified copy(ies) of the FPE owner's Identity/Registration document(s).	W2	
44	Letter from FPE owner's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and the nationality of each.	W3	
45	Certified copy(ies) of Identity document(s) of the FPE owner's shareholder(s), member(s), trustee(s) or beneficiary(ies) .	W4	
46	Processing Plan	W5	
47	Certified copy of signed agreement with marketer/ marketing company.	X1	
48	Certified copy(ies) of the marketer/ marketing company's Identity/Registration document(s).	X2	
49	Letter from marketer/ marketing company's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and the nationality of each.	X3	
50	Certified copy(ies) of Identity document(s) of the marketer/ marketing company shareholder(s), member(s), trustee(s) or beneficiary(ies) .	X4	
51	Marketing Plan	X5	
52	Applicant's additional non-compliance declaration(s)	Y	
53	Information as required by (11.4)	Z1	
54	Specific details with regard to RFMO's negative listing	Z2	

<b>Section 13</b>	
<b>DECLARATION BY APPLICANT</b>	
<p>I, the undersigned, do hereby make oath and declare that, I have read and understood the Government Gazette Notice, Policy and Instructions to this application form, that the information submitted with and in this Application is true, correct and complete and that the copies of the documents submitted have been certified by a Commissioner of Oaths as true copies of the original documents. I understand that if any information in this Application is not true or complete, including:</p>	
<p>a) providing false documentation, or</p>	
<p>b) the falsification of any document(s), or</p>	
<p>c) the non-disclosure of any material information or information which might materially affect the assessment / evaluation of this Application,</p>	
<p>this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998. In order to allow for the proper verification of this Application I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information concerning or related to this Application or to me, to disclose or make the information available to the Minister, his delegate, a duly authorised official or the Rights Verification Unit of the Department of Environmental Affairs and Tourism.</p>	
<p>Signed at _____</p>	
<p>This _____ day of _____ 2008</p>	
<p>Applicant's signature (Authorised person):</p>	<div style="border: 1px solid black; height: 30px; width: 100%;"></div>
<p>Applicant's name:</p>	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<p>If this Application is prepared or compiled by, or in consultation with or on the advice of any person or entity the information required in Section 14 must be provided:</p>	
<p>The deponent declares that he/she knows and understands the contents and implications of the above declaration.</p>	
<p>Thus signed and dated in my presence</p>	
<p><b>Commissioner of Oaths</b> _____</p>	
<p>Full name</p>	<p>_____</p>
<p>Designation</p>	<p>_____</p>
<p>Office</p>	<p>_____</p>
<p>Address</p>	<p>_____</p>

**Section 14****JV PARTNER DECLARATION**

I, the undersigned, do hereby make oath and declare that, I have read and understood the Government Gazette Notice, Policy and Instructions to this application form, that the information submitted with and in this Application is true, correct and complete and that the copies of the documents submitted have been certified by a Commissioner of Oaths as true copies of the original documents. I understand that if any information in this Application is not true or complete, including:

- a) providing false documentation, or
- b) the falsification of any document(s), or
- c) the non-disclosure of any material information or information which might materially affect the assessment / evaluation of this Application,

this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998. In order to allow for the proper verification of this Application I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information concerning or related to this Application or to me, to disclose or make the information available to the Minister, his delegate, a duly authorised official or the Rights Verification Unit of the Department of Environmental Affairs and Tourism.

Signed at \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 2008

Applicant's signature  
(Authorised person):

Applicant's name:

If this Application is prepared or compiled by, or in consultation with or on the advice of any person or entity the information required in Section 14 must be provided:

The deponent declares that he/she knows and understands the contents and implications of the above declaration.

Thus signed and dated in my presence

**Commissioner of Oaths**

Full name

Designation

Office

Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section 15**

**DECLARATION BY THIRD PARTY**

I, the undersigned, do hereby make oath and declare that, I have read and understood the Government Gazette Notice, Policy and Instructions to this application form, in assisting in or advising on the completion of this Application form.

14.1 What fee or other remuneration was paid, or was promised for the assistance?

14.2 Third Party's details:

a) Full name:

b) Profession/Occupation/Designation:

c) Signature:  Date:        
d d m m y y y y

d) ID number/ Registration number:

e) Registered business address:   
  
  
  
Postal Code

f) Telephone number :  Area Code

g) Facsimile number:  h) Cellular number:

j) If "Yes", please provide details \_\_\_\_\_

Signed at \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 2008

3rd Party's signature:

Applicant's name:

The deponent Third Party declares that he/she knows and understands the contents and implications of the above declaration.

Thus signed and dated in my presence

**Commissioner of Oaths** \_\_\_\_\_  
Full name \_\_\_\_\_  
Designation \_\_\_\_\_  
Office \_\_\_\_\_  
Address \_\_\_\_\_



APPLICATION NO: MLPS XXXXX

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**

**BRANCH: MARINE AND COASTAL MANAGEMENT**

**APPLICATION FOR THE GRANTING OF A COMMERCIAL FISHING RIGHT IN TERMS OF SECTION 18 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998) ("THE ACT")**

**Please note that you may only apply for a Swordfish Longline directed right on this application form. Should you wish to also apply for a Tuna Longline directed right then you must complete the Tuna Longline Application Form. A further application fee of R6700 is applicable. Before completing this application form you are advised to read the Policy for the Management of and Allocation of Commercial Fishing Rights in the Large Pelagics (Tuna and Swordfish Longline) Fishery (Additional Total Allowable Effort (TAE)): 2007 and the instructions contained in the Government Gazette Notice.**

**SWORDFISH LONGLINE APPLICATION FORM**

**APPLICANT DETAILS**

Name of Applicant

ID / Registration number of applicant

% Shares / Interest owned by South African persons:  %

Has the applicant applied for a Tuna Longline directed right? Yes  No

**VESSEL DETAILS**

Name of vessel

Area/ Registration number of vessel  Length of Vessel  ,  m

Flag State

Preferred Landing Site  Home Port

Section 1	
APPLICANT INFORMATION	
1.1 Registered name of applicant:	<input style="width: 90%;" type="text"/>
1.2 Trading name of applicant:	<input style="width: 90%;" type="text"/>
1.3 Identity or Registration number :	<input style="width: 90%;" type="text"/>
1.4 Income tax number:	<input style="width: 90%;" type="text"/>
1.5 Vat number:	<input style="width: 90%;" type="text"/>
1.6 Physical Address:	<input style="width: 95%;" type="text"/> <input style="width: 95%;" type="text"/> <input style="width: 95%;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 100px;" type="text"/></div>
1.7 Postal Address:	<input style="width: 95%;" type="text"/> <input style="width: 95%;" type="text"/> <input style="width: 95%;" type="text"/> <input style="width: 95%;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 100px;" type="text"/></div>
	Area Code
1.8 Telephone number:	<input style="width: 100px;" type="text"/> <input style="width: 150px;" type="text"/>
1.9 Facsimile number :	<input style="width: 100px;" type="text"/> <input style="width: 150px;" type="text"/>
1.10 Authorised contact person's details:	
	<b><u>(Please note that this is the person the Department will correspond with regarding this application)</u></b>
a) First name:	<input style="width: 90%;" type="text"/>
b) Surname:	<input style="width: 90%;" type="text"/>
c) Identity number:	<input style="width: 90%;" type="text"/>
d) Position held:	<input style="width: 90%;" type="text"/>
e) Cellular number:	<input style="width: 90%;" type="text"/>
f) E-mail address:	<input style="width: 90%;" type="text"/>
1.11 Is the applicant a South African person as defined in the Act?	Yes <input style="width: 30px;" type="checkbox"/> No <input style="width: 30px;" type="checkbox"/>



**Section 2**  
**FINANCIAL INFORMATION**

2.1 What is the applicant's most recent audited, verified or certified Annual Turnover?

2.2 What amount and % of the above total is derived from fishing related activities?   %

2.3 The applicant **must** provide details as to what these activities are and the Rand amount each contribute to the amount in (2.2) as **Annexure B.3**.

2.4 What amount of the total indicated in (2.2) is derived from catching operations and to which fish stocks does this pertain?

2.5 What amount of the total indicated in (2.2) is derived from processing operations and to which fish stocks does this pertain?

2.6 What amount of the total indicated in (2.2) is derived from marketing and to which fish stocks does this pertain?

2.7 Auditor's / Accounting Officer's details:

a) Company name:

b) First name:

c) Surname:

d) Identity number:

e) Telephone number:

f) Facsimile number:

g) Cellular number:

h) E-mail address:

i) Physical Address:

Postal Code

j) Postal Address:

Postal Code

2.8 The applicant **must** provide a Budget Forecast for the Swordfish (Longline) fishery for the five (5) year period after the right has been granted as **Annexure B.4**. The forecast must be done on an annual basis and must clearly reflect the anticipated Income, Expenses and Capital Expenses.

2.9 The applicant **must** provide a Cash Flow Forecast for the Swordfish (Longline) fishery for the five (5) year period after the right has been granted as **Annexure B.5**. The forecast must be done on an annual basis and must clearly reflect the anticipated Income, Expenses and Capital Expenses.

Section 3	
PRIOR INVOLVEMENT INFORMATION	
	<p>3.1 Was the applicant involved in the Tuna Experimental Fishery or was the applicant a Pelagic Shark Longline Exemption Holder ? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.2 If "Yes", in what capacity were you involved? (<b>You must tick the most appropriate box(es) below</b>)</p> <p style="text-align: center;">                     Permit holder <input type="checkbox"/>      Vessel owner <input type="checkbox"/>      Processing <input type="checkbox"/>                      Marketing <input type="checkbox"/>      Participation at RFMO's <input type="checkbox"/>      Other <input type="checkbox"/> </p> <p>a) If "Other", the applicant <b>must</b> provide details: _____</p> <p>b) If "Participation at RFMO's" the applicant <b>must</b> attach a detailed explanation of its participation at the different RFMO's as <b>Annexure E2</b>.</p> <p>3.3 Were any of the shareholder(s), member(s), trustee(s) or beneficiary(ies) of the applicant involved in the Tuna Experimental Fishery or Pelagic Shark Longline Exemptions? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.4 If "Yes", the applicant <b>must</b> complete the information required below: (<b>You must complete one entry for each declaration</b>)</p>
1	<p>a) Full name: <input style="width: 80%;" type="text"/></p> <p>b) In what capacity was the involvement? (<b>You must tick the most appropriate box(es) below</b>)</p> <p style="text-align: center;">                     Permit holder <input type="checkbox"/>      Vessel owner <input type="checkbox"/>      Processing <input type="checkbox"/>      Marketing <input type="checkbox"/>      Other <input type="checkbox"/> </p> <p>If "Other", please provide details: _____</p> <p>c) Years involved in the Tuna Experimental Fishery or Pelagic Shark Longline Exemptions? <input style="width: 50px;" type="text"/></p>
2	<p>a) Full name: <input style="width: 80%;" type="text"/></p> <p>b) In what capacity was the involvement? (<b>You must tick the most appropriate box(es) below</b>)</p> <p style="text-align: center;">                     Permit holder <input type="checkbox"/>      Vessel owner <input type="checkbox"/>      Processing <input type="checkbox"/>      Marketing <input type="checkbox"/>      Other <input type="checkbox"/> </p> <p>If "Other", please provide details: _____</p> <p>c) Years involved in the Tuna Experimental Fishery or Pelagic Shark Longline Exemptions? <input style="width: 50px;" type="text"/></p>
3	<p>a) Full name: <input style="width: 80%;" type="text"/></p> <p>b) In what capacity was the involvement? (<b>You must tick the most appropriate box(es) below</b>)</p> <p style="text-align: center;">                     Permit holder <input type="checkbox"/>      Vessel owner <input type="checkbox"/>      Processing <input type="checkbox"/>      Marketing <input type="checkbox"/>      Other <input type="checkbox"/> </p> <p>If "Other", please provide details: _____</p> <p>c) Years involved in the Tuna Experimental Fishery or Pelagic Shark Longline Exemptions? <input style="width: 50px;" type="text"/></p>
<p><b>(Should you require space to provide additional declarations you must attach it as Annexure F)</b></p>	

**Section 3****PRIOR INVOLVEMENT INFORMATION [CONTINUED]**

3.5 If you indicated "Permit holder" in 3.2 or 3.4 (as the case may be), you **must** provide the information required in the tables below:

a)

Year	Name of vessel used?	Total Tuna landed (MT)	Total Swordfish landed (MT)	Total Shark landed (MT)
1997				
1998				
1999				
2000				
2001				
2002				
2003				
2004				
2005				
2006				
2007				
<b>Totals</b>				

## Section 4: Part 1

**TRANSFORMATION: SHAREHOLDERS, MEMBERS, TRUSTEES OR BENEFICIARY DETAILS**

4.1 The applicant **must** provide the information requested in the table below in respect of all its shareholder(s), member(s), trustee(s) and beneficiary(ies):

No.	Full Name	Identity/Registration number	Male/ Female	Black Persons (Y/N)	% Interest held
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

**(Should you require space to provide additional shareholder, trustee or beneficiary details you must attach it as Annexure G)**

4.2 If Shareholder(s) or beneficiary(ies) are company(ies), close corporation(s) or trust(s), the above information **must** be repeated in respect of each such entity as Annexure G.

4.3 You **must** attach a letter from your Auditor or Accounting Officer confirming the applicant's shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each, and the nationality of each as Annexure H.

4.4 You **must** attach certified copy(ies) of the Identity documents for all the applicant's director(s), shareholder(s), member(s), trustee(s) and or beneficiary(ies) as Annexure I.

**Section 4: Part 2**  
**TRANSFORMATION: OWNERSHIP AND MANAGEMENT PROFILE**

4.5 The applicant **must** provide the information required in the tables below with regard to its ownership profile:

Is the applicant a company?  Yes  No

If "Yes", complete the table below in respect of shareholding held by black persons based on the flow through principle:

Year	Percentage Shareholding Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage of Dividends Black Shareholders are Entitled To
2007 (at date of application)			

Complete the following table in relation to shareholding held by women based on the flow through principle:

Year	Percentage Shareholding Held by Women	Percentage Voting Rights Held by Women	Percentage of Dividends Women are Entitled To
2007 (at date of application)			

Did the applicant have a share scheme in place in 2006 for employees?  Yes  No

Complete the following table in relation to monies paid to shareholders:

Year	Salaries Paid to Shareholders	Loans Made to Shareholders	Dividends Paid to Shareholders
2005 (financial year)			
2006 (financial year)			
2007 (financial year)			

Was the applicant managed by another entity, or was any catching, processing or marketing performed by another entity during the 2006 financial year?  Yes  No

If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity during the 2006 Financial Year	Rand Amount as a Percentage of the Applicant's Total Turnover in 2006
Management		
Catching		
Processing		
Marketing		

4.6 The applicant **must** provide the information required in the table below with regard to its management profile:

	Gender	A		C		I		W		Total	
		No	%	No	%	No	%	No	%	ACI%	F%
Top and Senior Management / Senior Officials and Managers 2007 (if not designated as at financial year end 2006)	Male										
	Female										

**Section 4: Part 3**

**TRANSFORMATION: EMPLOYMENT EQUITY**

4.7 The applicant **must** provide the information requested in the table below in respect its employment profile:

Occupational Categories	Gender									Total	
		A No	A %	C No	C %	I No	I %	W No	W %	ACI%	F %
Top & Senior Management / Senior Officials and Managers	Male										
	Female										
Professionally Qualified and experienced specialists and mid-management Professionals	Male										
	Female										
Skilled Technical and academically qualified workers, supervisors, foremen, and superintendents / Technicians and Associate Professionals	Male										
	Female										
Semi-skilled and discretionary decision-making and unskilled and undefined decision-making / Clerks, Service & Sales Workers, Fishery Workers, Artisans & Related Trade Workers, Plant & Machine Operators & Assemblers Elementary Occupations	Male										
	Female										
TOTAL	Male										
	Female										

A = African, C = Coloured, I = Indian, W = White, M = Male, F = Female, ACI = African Coloured and Indian

## Section 4: Part 4

**TRANSFORMATION: EMPLOYMENT EQUITY**

4.8 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998? Yes  No

a) If "Yes", has the applicant complied with the Employment Equity Act, 55 of 1998? Yes  No

i) If "No", you **must** provide reasons why the applicant has not complied as **Annexure J.1**.

b) If the applicant is not a designated employer, has the applicant voluntarily complied with the Employment Equity Act, 55 of 1998? Yes  No

4.9 If the answer to (4.8.a) is "Yes", you **must** indicate below which areas of the Employment Equity Act, 55 of 1998 you have complied with.

a) Has the applicant reported to the Department of Labour in terms of section 20 of the Employment Equity Act? Yes  No

• If "Yes", the applicant **must** attach proof as **Annexure J.2**.

b) Has the applicant conducted an Analysis as required by Section 19 of the Employment Equity Act? Yes  No

• If "Yes", the applicant **must** attach proof as **Annexure J.3**.

c) Has the applicant reported to the Department of Labour in terms of section 27 of the Employment Equity Act? Yes  No

• If "Yes", the applicant **must** attach proof as **Annexure J.4**.

d) Have you received a written acknowledgment or other communication regarding your report(s) from the Department of Labour? Yes  No

• If "Yes", the applicant **must** attach proof as **Annexure J.5**.

e) Has the applicant developed an Employment Equity Plan? Yes  No

• If "Yes", the applicant **must** attach proof as **Annexure J.6**.

## Section 4: Part 5

**TRANSFORMATION: SKILLS DEVELOPMENT AND SKILLS TRANSFER**

4.1 Complete the following table in relation to compliance with the Skills Development Levies Act 9 of 1998:

Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2004 (financial year end)					
2005 (financial year end)					
2006 (financial year end)					
2007 (financial year end)					

4.11 Did the applicant participate in a learnership programme during 2006

Yes  No

4.12 If "Yes", indicate the number of learnership as a percentage of the employees in respect of whom the applicant prepared IRP5 certificates in 2006 (tax year end).

4.13 Did the applicant participate in any other skills development programmes through its SETA in 2006 such as an SME Support Strategy?

Yes  No

4.14.1 How many skippers are used by the applicant?

4.14.2 What percentage of these skippers are black?

4.15 Where the applicant has been incorporated as a result of a joint venture between South African persons and non-South African persons, the following information **must** be provided as **Annexure J.10** :

- a) A detailed plan describing how skills will be transferred to the South African member(s) of the joint ventures; and
- b) What skills will be transferred and the time frames for these transfers.



<b>Section 5</b>	
<b>DECLARATION OF INTEREST HELD BY THE APPLICANT IN OTHER FISHING RIGHTS</b>	
5.1 Does the applicant hold, whether directly or as a shareholder, any commercial fishing rights?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5.2 If "Yes", the applicant <b>must</b> declare the following information: <i>(You must complete one entry for each declaration)</i>	
<p>1 a) Sector in which right is held? <input style="width: 100%;" type="text"/></p> <p>b) Name of right holder: <input style="width: 100%;" type="text"/></p> <p>c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/></p> <p>d) What % of the right is held by the applicant? <input style="width: 50%;" type="text"/> %</p> <p>(e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/></p>	
<p>2 a) Sector in which right is held? <input style="width: 100%;" type="text"/></p> <p>b) Name of right holder: <input style="width: 100%;" type="text"/></p> <p>c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/></p> <p>d) What % of the right is held by the applicant? <input style="width: 50%;" type="text"/> %</p> <p>(e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/></p>	
<p>3 a) Sector in which right is held? <input style="width: 100%;" type="text"/></p> <p>b) Name of right holder: <input style="width: 100%;" type="text"/></p> <p>c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/></p> <p>d) What % of the right is held by the applicant? <input style="width: 50%;" type="text"/> %</p> <p>(e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/></p>	
<p>4 a) Sector in which right is held? <input style="width: 100%;" type="text"/></p> <p>b) Name of right holder: <input style="width: 100%;" type="text"/></p> <p>c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/></p> <p>d) What % of the right is held by the applicant? <input style="width: 50%;" type="text"/> %</p> <p>(e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/></p>	
<p><b><i>(Should you require space to provide additional interest(s) held by the applicant you must attach it as</i></b></p>	
5.3 Does the applicant hold any interest in any other company(ies), close corporation(s) or trust(s) that hold an interest(s) in a commercial fishing right?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5.4 If "Yes", the applicant <b>must</b> attach the information as required by (5.2) above, as <b>Annexure K</b> .	

<b>Section 6</b>	
<b>DECLARATION OF INTEREST HELD IN OTHER FISHING RIGHTS</b>	
6.1 Does the shareholder(s), member(s), trustee(s) or beneficiary(ies) of the applicant hold, whether directly or as a shareholder, any commercial fishing rights?	Yes <input type="checkbox"/> No <input type="checkbox"/>
6.2 If "Yes", the applicant <b><u>must</u></b> declare the following information: <i>(You <b><u>must</u></b> complete one entry for each declaration)</i>	
1	a) Sector in which right is held? <input style="width: 100%;" type="text"/> b) Name of right holder: <input style="width: 100%;" type="text"/> c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/> d) What % of the right is held by the applicant? <input style="width: 100px;" type="text"/> % (e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/>
2	a) Sector in which right is held? <input style="width: 100%;" type="text"/> b) Name of right holder: <input style="width: 100%;" type="text"/> c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/> d) What % of the right is held by the applicant? <input style="width: 100px;" type="text"/> % (e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/>
3	a) Sector in which right is held? <input style="width: 100%;" type="text"/> b) Name of right holder: <input style="width: 100%;" type="text"/> c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/> d) What % of the right is held by the applicant? <input style="width: 100px;" type="text"/> % (e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/>
4	a) Sector in which right is held? <input style="width: 100%;" type="text"/> b) Name of right holder: <input style="width: 100%;" type="text"/> c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/> d) What % of the right is held by the applicant? <input style="width: 100px;" type="text"/> % (e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/>
<i>(Should you require space to provide additional entries you <b><u>must</u></b> attach it as <b><u>Annexure L</u></b>)</i>	

**Section 7: Part 1**

**VESSEL: VESSEL & GEAR INFORMATION**

7.1 Name of vessel to be used to harvest   
Swordfish:

7.2 Area/ Registration number  7.3 Radio Call Sign

7.3 Vessel length  ,  m 7.5 Number of crew

7.4 Where the vessel length of the nominated vessel is less than 18 m, the following table must be completed:

Year	Total Tuna landed (MT)	Total Swordfish landed (MT)	Total Shark landed (MT)
1997			
1998			
1999			
2000			
2001			
2002			
2003			
2004			
2005			
2006			
2007			
<b>Totals</b>			

7.4 Was the vessel used in the Tuna Experimental Fishery or Pelagic Shark Exemptions? Yes  No

7.5 Does the vessel have on board freezing facilities? Yes  No

a) If "Yes", the applicant **must** indicate the type of freezing facilities: \_\_\_\_\_

7.6 Is the vessel fitted with an Inmarsat-C Vessel Monitoring System? Yes  No

## Section 7:Part 2

**VESSEL: RIGHT OF ACCESS**

7.8 The applicant must tick the box which describes its right of access to the vessel nominated in (7.1) and must attach the required documentation as **Annexure S** :

- a) Sole Owner
- b) Shareholder in the vessel  (You must attach proof of shareholding and relevant signed agreement)
- Please indicate %  %
- c) Purchase agreement (You must attach a certified copy of the purchase agreement)
- d) Bareboat Charter Agreement  (You must attach a certified copy of the signed agreement)
- e) Charter Agreement  (You must attach a certified copy of the signed agreement)
- f) Catching agreement  (You must attach a certified copy of the signed agreement)

7.9 The applicant must provide the following information with regard to each crew member as indicated in its proposal to SAMSA as to how it intends to crew the vessel as **Annexure T** :

- a) Names of crew members
- b) Identity Numbers of crew members
- c) Rank of crew members
- d) Nationality of crew members
- e) Qualification(s) of crew members

7.10 The applicant must indicate the period required to assemble the crew in  days  months South Africa:

**Section 7: Part 3**  
**VESSEL: VESSEL OWNER DETAILS**

7.11 Vessel owner details:

a) Name:

b) Identity/ Registration number:

c) Nationality:

d) Physical address:   
  
  
  
Postal Code

e) Postal address:   
  
  
  
Postal Code

f) Authorised contact person's details:

Full Name:

Identity number:

Area Code

Telephone number:

Facsimile number:

Cellular number:

g) From whom was the vessel purchased?

h) When was the vessel purchased by the current vessel owner?     
y y y y m m d d

7.12 The applicant **must** provide the information and documentation in respect of the vessel owner as required below:

a) Indicate what % is held by foreign shareholders, members, trustees or beneficiaries?  %

b) The applicant **must** attach the following documentation pertaining to the vessel owner:

- Certified copies of Identity/ Registration documentation as **Annexure U1**.
- Letter from the vessel owner's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and indicating the nationality of each as **Annexure**
- Certified copies of the identity documents for all shareholders, members, trustees or beneficiaries, if natural persons as **Annexure U3**.
- Certified copy of the purchase agreement from previous owner as indicated at (7.1.g) as **Annexure U4**.

Section 7: Part 4

**VESSEL: VESSEL HISTORY**

7.13 The applicant must provide the information requested in the table below in respect of the nominated vessel for the period 2001-2007, if the vessel was not previously engaged in fishing in the Tuna Experimental Fishery or Pelagic Shark Exemptions:

Year	Name and Nationality of Vessel Owner	Indicate Flag State during fishing operations	Indicate the targeted species during fishing operations	Indicate the months during which fishing operations occurred	Was the vessel on any RFMO's negative list(s) during fishing operations? (Yes / No)

(Should you require space to provide information for additional fishing operation(s) you must attach it as Annexure V1)

**Section 8**  
**FISHING PLAN**

8.1 The applicant **must** provide the information required below:

- a) Name of the nominated vessel:
- b) Please indicate the period anticipated to be ready to start fishing:  days  months
- c) Indicate your two (2) preferred landing sites:
- d) Indicate the vessel's home port:
- e) Vessel length: ,  m
- f) Hold capacity:  m<sup>3</sup>
- g) Number of hooks:
- h) Length of longline:  km
- i) Length of buoy line ,  m
- j) Time of setting and haul:
- k) Does the vessel have freezing facilities? Yes  No 
  - If 'Yes', the applicant must indicate the following:
    - i) What is the temperature range of the freezing facilities?  degrees  degrees  
lowest highest
    - ii) What is the capacity of the freezing facilities?  m<sup>3</sup>
- l) Will the catch be frozen or kept on ice? (Tick the appropriate box) Frozen  Kept on ice
- m) Intended number of days at sea per annum?  days
- n) The anticipated % of time that will be spent within the South African EEZ and on the High Seas South African EEZ  % High Seas  %
- o) Average duration of fishing trips  days
- m) What is the expected catch per annum?  MT
- p) The intended % split between Tuna and Swordfish: Tuna  % Swordfish  %
- r) Indicate the type of longline gear to be utilised:
- s) Indicate the length of branch/ snood line to be utilised:  m
- t) Indicate the bait type to be utilised:
- u) Will light sticks be utilised? Yes  No
- v) The applicant **must** provide a fishing plan describing in detail the intended fishing operations as **Annexure V2**. The following issues must at minimum be addressed in the fishing plan:
  - Anticipated timeframes.
  - Anticipated number of days fishing.
  - Description of gear to be utilised.
  - How you intend adding value.
  - Envisaged seasonal shift of species.
  - The type of bird mitigation devices that will be utilised.
  - Exact descriptions of anticipated fishing area/ grounds to be targeted.
  - Whether harvesting will only take place within the South African EEZ.
  - If the vessel is currently being utilised to harvest Pelagic Shark the following issue of adaptability must be specifically addressed for the following:
    - i) How would fishing operations be adapted to increase tuna catches? Please explain with time frames.

Section 9	
PROCESSING TUNA AND SWORDFISH	
9.1 Which Fish Processing Establishment ("FPE") will process the tuna / swordfish harvested:	<input style="width: 95%;" type="text"/>
9.2 FPE details:	
a) Name of owner:	<input style="width: 95%;" type="text"/>
b) Identity/ Registration number:	<input style="width: 95%;" type="text"/>
c) Physical address:	<input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 150px;" type="text"/></div>
d) Postal address:	<input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 150px;" type="text"/></div>
e) Authorised contact person's details:	
Full Name:	<input style="width: 95%;" type="text"/>
Identity number:	<input style="width: 95%;" type="text"/>
	Area Code
Telephone number:	<input style="width: 150px;" type="text"/> <input style="width: 150px;" type="text"/>
Facsimile number:	<input style="width: 150px;" type="text"/> <input style="width: 150px;" type="text"/>
Cellular number:	<input style="width: 95%;" type="text"/>
E-mail address:	<input style="width: 95%;" type="text"/>
9.3 The applicant <b>must</b> provide the information and documentation in respect of the FPE owner as required below:	
a) Indicate what % is held by foreign shareholders, members, trustees or beneficiaries?	<input style="width: 50px;" type="text"/> %
b) The applicant <b>must</b> attach the following documentation pertaining to the FPE owner:	
<ul style="list-style-type: none"> <li>● Certified copies of Identity/ Registration incorporation documentation as <b>Annexure W2</b>.</li> <li>● Letter from the FPE owner's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and indicating the nationality of each as <b>Annexure W3</b>.</li> <li>● Certified copies of the identity documents for all shareholders, members, trustees or beneficiaries, if natural persons as <b>Annexure W4</b>.</li> </ul>	
9.4 The applicant <b>must</b> provide a processing plan describing in detail the intended processing operations and what products the tuna and swordfish (including any other by-catch) will be processed into as <b>Annexure W5</b> .	



Section 10	
MARKETING TUNAS AND SWORDFISH	
10.1 Name of Marketer:	<input style="width: 90%;" type="text"/>
10.2 Marketer's details:	
b) Identity/ Registration number:	<input style="width: 90%;" type="text"/>
c) Physical address	<input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 100px;" type="text"/></div>
d) Postal address	<input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <input style="width: 95%; height: 20px;" type="text"/> <div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 100px;" type="text"/></div>
e) Authorised contact person's details:	
Full Name	<input style="width: 95%;" type="text"/>
Identity number:	<input style="width: 95%;" type="text"/>
Telephone number	<div style="display: flex; justify-content: space-between;"> <span>Area Code</span> </div> <input style="width: 100px; height: 20px;" type="text"/> <input style="width: 150px; height: 20px;" type="text"/>
Facsimile number	<input style="width: 100px; height: 20px;" type="text"/> <input style="width: 150px; height: 20px;" type="text"/>
Cellular number:	<input style="width: 95%;" type="text"/>
E-mail address:	<input style="width: 95%;" type="text"/>
10.3 Is the Marketer a South African person as defined in the Act?	Yes <input type="checkbox"/> No <input type="checkbox"/>
10.4 The applicant <b>must</b> provide the information and documentation in respect of the Marketer as required below:	
a) Indicate what % is held by foreign shareholders, members, trustees or beneficiaries?	<input style="width: 50px;" type="text"/> %
b) The applicant must attach the following documentation pertaining to the <u>marketer</u> :	
<ul style="list-style-type: none"> <li>● Certified copies of Identity/ Registration documentation as <b>Annexure X2</b> .</li> <li>● Letter from the marketer's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and indicating the nationality of each as <b>Annexure X3</b> .</li> <li>● Certified copies of the identity documents for all shareholders, members, trustees or beneficiaries, if natural persons as <b>Annexure X4</b> .</li> <li>● The applicant <b>must</b> provide a marketing plan describing in detail the intended marketing operations as <b>Annexure X5</b> . The following issues must at minimum be addressed in th marketing plan:                             <ul style="list-style-type: none"> <li>(i) Current Markets    (ii) Anticipated Markets    (iii) Previous marketing experience and knowledge of the fishery</li> </ul> </li> </ul>	

Section 11 <b>COMPLIANCE</b>																	
<b>Note: Should you fail to answer this section, the answers to 11.1, 11.3 and 11.5 will be deemed to be adverse to the applicant</b>																	
11.1 Has the applicant ever had any conviction(s) under the Act or pled guilty to breaching a provision of the Act, it's Regulations or permit conditions or been convicted under any Foreign State's marine/ fisheries law or has it ever had any commercial fishing right(s) revoked, cancelled or suspended in terms of Section 28 of the Act?	Yes <input type="checkbox"/> No <input type="checkbox"/>																
11.2 If "Yes", the applicant <b>must</b> declare all such conviction(s), guilty pleadings or revocation(s)/ cancellation(s)/ suspension(s) below: <b>(You must complete one entry for each declaration. If the answer is "No" to 11.1, then mark this part as "Not Applicable")</b>																	
a) Provide a brief description of the conviction, guilty pleading or revocation/ cancellation/ suspension in the space provided below:	b) Date of conviction, guilty pleadings or revocation/ cancellation/ suspension <table border="1" style="float: right; margin-left: 20px;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">y</td> <td style="text-align: center;">y</td> <td style="text-align: center;">y</td> <td style="text-align: center;">y</td> <td style="text-align: center;">m</td> <td style="text-align: center;">m</td> <td style="text-align: center;">d</td> <td style="text-align: center;">d</td> </tr> </table>									y	y	y	y	m	m	d	d
y	y	y	y	m	m	d	d										
<b>1</b>	<table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>																
c) Indicate the nature of the sanction that was imposed:	<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 100%;"></td> </tr> </table>																
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<b>2</b>	<table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>																
c) Indicate the nature of the sanction that was imposed:	<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 100%;"></td> </tr> </table>																
<b>(Should you require space to provide additional non-compliance declarations you must attach it as <u>Annexure Y</u>)</b>																	
11.3 Has any of the applicant's director(s), shareholder(s), member(s), trustee(s) or beneficiary(ies) ever had any conviction(s) under the Act or pled guilty to breaching a provision of the Act, it's Regulations or permit conditions or been convicted under any Foreign State's marine/ fisheries law or has it ever had any commercial fishing right(s) revoked, cancelled or suspended in terms of Section 28 of the Act?	Yes <input type="checkbox"/> No <input type="checkbox"/>																
11.4 If "Yes", the applicant must provide the information required in the above declarations for each of its directors and shareholder(s), member(s), trustee(s) or beneficiary(ies) and attach it as <b><u>Annexure Z1</u></b> .																	
11.5 Is the nominated vessel currently or has it ever been placed on any RFMO's negative list?	Yes <input type="checkbox"/> No <input type="checkbox"/>																
11.6 If "Yes", the applicant must provide details regarding the negative listing as <b><u>Annexure Z2</u></b> . The following details must at minimum be provided:																	
<ul style="list-style-type: none"> <li>● On which RFMO negative list does it/ has it appeared on?</li> <li>● Date and duration of negative listing.</li> <li>● The reason(s) for the negative listing.</li> <li>● The applicant, its director(s), shareholder(s), member(s), trustee(s) and or beneficiary(ies) involvement in the negative listed vessel.</li> </ul>																	

## Section 12

## ANNEXURE PAGE

12.1 The applicant must provide the annexures as indicated in the table below and must tick off the relevant boxes when the required annexures are attached or indicate that it is not applicable (n/a).

No.	Description of Annexure	Annexure reference	Attached (Y/N or n/a)
1	Certified copy(ies) of the applicants Identity/Registration document(s).	A1	
2	Certified copies of the Shareholder's Agreement and Dividend policy.	A2	
3	Original or certified copy of the applicant's valid Tax Clearance Certificate	B1	
4	Original or certified copies of the applicant's Tax Returns for the last two (2) years.	B2	
5	Details as to what these activities are and the Rand amount each contribute to the amount in (2.2)	B3	
6	Budget Forecast	B4	
7	Cash Flow Forecast	B5	
8	Certified copies of the most recently audited financial statement.	C	
9	Certified copies of the most recent management accounts.	D	
10	Experimental Tuna (Longline) fishing permit(s) in the name of the applicant.	E1	
11	Detailed explanation of involvement at RFMO's	E2	
12	Additional declaration(s) with regard to the applicant's shareholder(s), member(s), trustee(s) or beneficiary(ies) historical involvement in the Tuna (longline) fishery experiment.	F	
13	Additional shareholder(s), member(s), trustee(s) or beneficiary(ies) information.	G	
14	Letter from applicant's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and the nationality of each.	H	
15	Certified copy(ies) of Identity document(s) of the applicant's shareholder(s), member(s), trustee(s) or beneficiary(ies) .	I	
16	Reasons for non-compliance as per (4.8.a.i)	J1	
17	Report submitted in terms of section 20 of the Employment Equity Act	J2	
18	Copy of analysis or information regarding the outcome of the analysis in terms of section 19 of the Employment Equity Act	J3	
19	Report submitted in terms of section 27 of the Employment Equity Act	J4	
20	Written acknowledgment or other communication regarding your report(s) from the Department of Labour	J5	
21	Certified copy of Employment Equity Plan	J6	
22	Reasons as required by (4.12.a)	J7	
23	Details as required by (14.13.a)	J8	
24	Reasons as required by (4.13.b)	J9	
25	Information as required by (4.14)	J10	
26	Additional declaration(s) of interest(s) held by applicant.	K	
27	Additional declaration(s) of interest(s) held by shareholder(s), member(s), trustee(s) or beneficiary(ies).	L	
28	Certified copies of the SAMSA Local General Safety Certificate and Safe Manning Document.	M	

<b>Section 12</b>			
<b>ANNEXURE PAGE [CONTINUED]</b>			
12.1 continued			
No.	Description of Annexure	Annexure reference	Attached (Y/N or n/a)
29	Experimental Tuna fishing or Pelagic Shark Exemption permit(s) reflecting the nominated vessel.	N	
30	SAMSA pre-registration survey documentation (SAMSA Marine Circular No. 8 of 2003).	O	
31	Written undertaking from owners and operators of the vessel that the vessel will be reflagged as South African within 12 months of the right being granted.	P	
32	Written authorisation from the flag state that all catches of large pelagics, whether harvested in South African EEZ or on the high seas, shall accrue to South Africa.	Q	
33	Written undertaking from owners and operators of the vessel that the vessel shall be subject to laws that govern in the territory of the Republic of South Africa.	R	
34	Documentation with regard to vessel access	S	
35	Crew member information	T	
36	Certified copy(ies) of the vessel owner's Identity/Registration document(s).	U1	
37	Letter from vessel owner's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and the nationality of each.	U2	
38	Certified copy(ies) of Identity document(s) of the vessel owner's shareholder(s), member(s), trustee(s) or beneficiary(ies) .	U3	
39	Purchase agreement as required by (7.12.b)	U4	
40	Information for additional fishing operation(s)	V1	
41	Detailed fishing plan describing the intended fishing operations	V2	
42	Certified copy of signed agreement with FPE.	W1	
43	Certified copy(ies) of the FPE owner's Identity/Registration document(s).	W2	
44	Letter from FPE owner's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and the nationality of each.	W3	
45	Certified copy(ies) of Identity document(s) of the FPE owner's shareholder(s), member(s), trustee(s) or beneficiary(ies) .	W4	
46	Processing Plan	W5	
47	Certified copy of signed agreement with marketer/ marketing company.	X1	
48	Certified copy(ies) of the marketer/ marketing company's Identity/Registration document(s).	X2	
49	Letter from marketer/ marketing company's Auditor or Accounting Officer confirming shareholder(s), member(s), trustee(s) or beneficiary(ies), the % interest held by each and the nationality of each.	X3	
50	Certified copy(ies) of Identity document(s) of the marketer/ marketing company shareholder(s), member(s), trustee(s) or beneficiary(ies) .	X4	
51	Marketing Plan	X5	
52	Applicant's additional non-compliance declaration(s)	Y	
53	Information as required by (11.4)	Z1	
54	Specific details with regard to RFMO's negative listing	Z2	

**Section 13**

**DECLARATION BY APPLICANT**

I, the undersigned, do hereby make oath and declare that, I have read and understood the Government Gazette Notice, Policy and Instructions to this application form, that the information submitted with and in this Application is true, correct and complete and that the copies of the documents submitted have been certified by a Commissioner of Oaths as true copies of the original documents. I understand that if any information in this Application is not true or complete, including:

- a) providing false documentation, or
- b) the falsification of any document(s), or
- c) the non-disclosure of any material information or information which might materially affect the assessment / evaluation of this Application,

this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998. In order to allow for the proper verification of this Application I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information concerning or related to this Application or to me, to disclose or make the information available to the Minister, his delegate, a duly authorised official or the Rights Verification Unit of the Department of Environmental Affairs and Tourism.

Signed at \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 2008

Applicant's signature  
(Authorised person):

Applicant's name:

If this Application is prepared or compiled by, or in consultation with or on the advice of any person or entity the information required in Section 14 must be provided:

The deponent declares that he/she knows and understands the contents and implications of the above declaration.

Thus signed and dated in my presence

**Commissioner of Oaths** \_\_\_\_\_  
 Full name \_\_\_\_\_  
 Designation \_\_\_\_\_  
 Office \_\_\_\_\_  
 Address \_\_\_\_\_

**Section 14****JV PARTNER DECLARATION**

I, the undersigned, do hereby make oath and declare that, I have read and understood the Government Gazette Notice, Policy and Instructions to this application form, that the information submitted with and in this Application is true, correct and complete and that the copies of the documents submitted have been certified by a Commissioner of Oaths as true copies of the original documents. I understand that if any information in this Application is not true or complete, including:

- a) providing false documentation, or
- b) the falsification of any document(s), or
- c) the non-disclosure of any material information or information which might materially affect the assessment / evaluation of this Application,

this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998. In order to allow for the proper verification of this Application I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information concerning or related to this Application or to me, to disclose or make the information available to the Minister, his delegate, a duly authorised official or the Rights Verification Unit of the Department of Environmental Affairs and Tourism.

Signed at \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 2008

Applicant's signature  
(Authorised person):

Applicant's name:

If this Application is prepared or compiled by, or in consultation with or on the advice of any person or entity the information required in Section 14 must be provided:

The deponent declares that he/she knows and understands the contents and implications of the above declaration.

Thus signed and dated in my presence

**Commissioner of Oaths**

Full name \_\_\_\_\_

Designation \_\_\_\_\_

Office \_\_\_\_\_

Address \_\_\_\_\_

**Section 15**  
**DECLARATION BY THIRD PARTY**

I, the undersigned, do hereby make oath and declare that, I have read and understood the Government Gazette Notice, Policy and Instructions to this application form, in assisting in or advising on the completion of this Application form.

14.1 What fee or other remuneration was paid, or was promised for the assistance? R

14.2 Third Party's details:

a) Full name:

b) Profession/Occupation/Designation:

c) Signature:  Date: 

d	d	m	m	y	y	y	y

d) ID number/ Registration number:

e) Registered business address: 

Postal Code <input style="width: 50px;" type="text"/>

f) Telephone number : 

	Area Code	
--	-----------	--

g) Facsimile number: 

	Area Code	
--	-----------	--

 h) Cellular number:

j) If "Yes", please provide details

Signed at

This  day of  2008

3rd Party's signature:

Applicant's name:

The deponent Third Party declares that he/she knows and understands the contents and implications of the above declaration.

Thus signed and dated in my presence

**Commissioner of Oaths**   
Full name   
Designation   
Office   
Address



environment & tourism

Department:  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

**BRANCH MARINE AND COASTAL MANAGEMENT**

**COMMENT SHEET**

*DRAFT POLICY AND APPLICATION FORMS FOR THE MANGEMENT AND ALLOCATION OF COMMERCIAL FISHING RIGHTS IN THE LARGE PELAGIC (TUNA AND SWORDFISH LONGLINE) FISHERY (ADDITIONAL TOTAL ALLOWABLE EFFORT (TAE)): DECEMBER 2007.....*

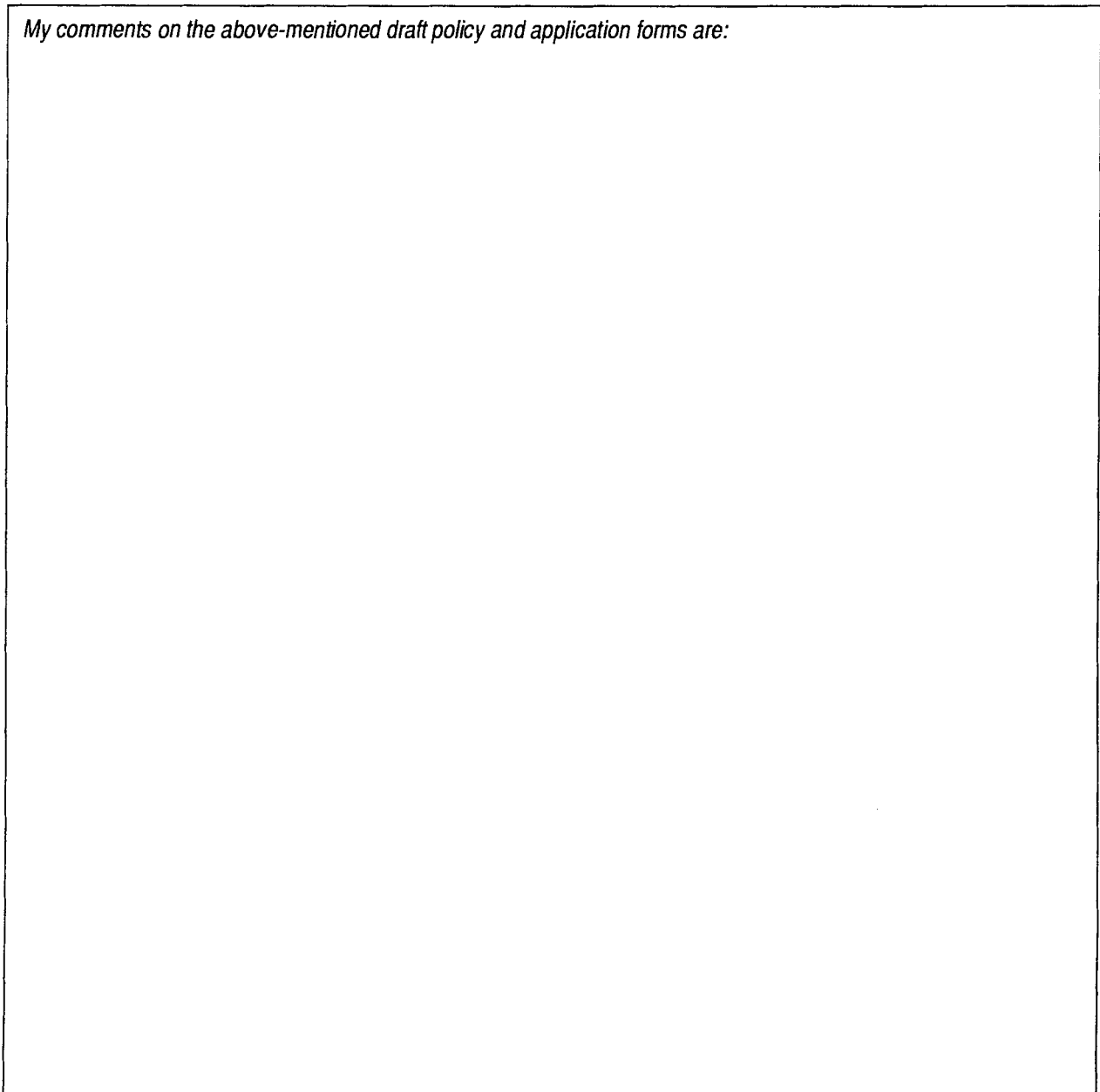
*My comments on the above-mentioned draft policy and application forms are:*

**Received By:**

**Date Received:**



*My comments on the above-mentioned draft policy and application forms are:*

A large, empty rectangular box with a thin black border, intended for the user to provide comments on the draft policy and application forms mentioned in the text above.

**Facsimile Transmission Sheet**

**To:** The Director: Offshore & High Seas Fisheries  
Management

**Fax No:** (021) 402-3618

**Number of pages of document, including this page:**

**Date:**

**From:**

**Address:**

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*Note: Comments may be also be posted to: The Director at the following address: Private Bag X2, Roggebaai, 8012*

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