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**TONGA BAREBOAT CHARTER POLICY  
FRAMEWORK  
2016**

Approved by: .....

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## EXECUTIVE SUMMARY

In June 2015, Tonga sought assistance to prepare policy and legislative frameworks in support of implementing a “*bareboat charter arrangement in order to promote the domestic tuna fisheries development.*” This is also one priority area of work in the Tuna Management and Development Plan.

This initial scoping exercise provides the opportunity to discuss and gather clear policy directions from the Fisheries Department to inform the development and implementation of bareboat charter arrangements in Tonga. These policy decisions would need to be supported by legislation, consistent with international commitments and obligations, and most importantly respond and support domestic development priorities and aspirations within sustainable limits of targeted stocks.

### **Key priority issues identified were:-**

- (a) There is no current legal basis in support of a Tongan subject that wishes to bring vessels into Tonga under a bareboat charter arrangement, for the purposes of fishing within Tonga’s fisheries waters.
- (b) There is no clear policy direction whether or not Tonga intends for chartered vessels to carry their foreign flag or to be registered and become a Tongan ship. This will inform the types of amendments required to the Fisheries Management Act (FMA);
- (c) The current process of vessel registration, charter and licensing is complex and potentially counterproductive to attract and promote investments and growth in domestic fisheries.

This policy framework provides clear directions with respect to charter fishing in the Kingdom’s fisheries waters. The policy also informs legal drafting of relevant amendments to the Fisheries Management Act and regulations that cater for fishing vessels that are chartered for fishing purposes.

## THE POLICY

### **Purpose:**

This policy framework provides clear and transparent processes and procedures regarding vessels chartered by Tongan subjects or nationals for the purposes of fishing.

### **Specific objectives<sup>1</sup>:**

The policy specifically presents the basis for effectively managing and regulating fishing charters in the Kingdom. The policy provides clear policy instructions and a clear legal basis, which in turn, sets out the requirements needed for the development of a charter-party arrangement.

The policy also provides additional information to raise awareness relative to innovative approaches, developing and managing partnership arrangements such as charters, lease or joint ventures in the Kingdom. The policy intends to promote best practices and in consideration of binding measures and decisions set out under regional and international fisheries instruments, however supporting national development priorities and aspirations.

### **Scope:**

The charter policy covers all fishing and related activities including vessels authorised and licensed to fish for tuna and tuna like species within and beyond Tonga's EEZ. The policy includes chartered fishing vessels, foreign investors and local fishing agencies responsible in full or in part, for fisheries charters, and other personnel working directly or indirectly in all charter related activities.

### **Legal context:**

The primary legislation applicable to charters is found in the Shipping Amendment Act 2001 (SA) and the Fisheries Management Act 2002 (FMA). The latter provides the authority and mandate under which the Ministry of Fisheries is responsible for the effective conservation and sustainable use fisheries resources.

This policy draws on these laws, existing fisheries related policies such as the fisheries management plans, and procedures to explain the processes and steps of chartering fishing vessels.

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<sup>1</sup> The policy does not provide elements of a possible standard bareboat charter (charter-party) agreement suitable for Tonga. The details of such charter would include responsibilities of the owner and charterer, delivery, cancellation or termination, rates and charges, possession and use, maintenance, replacements, alterations, insurance, indemnification, equipment, applicable law and others.

**Review:**

The policy is a living document and can be reviewed at any time. The latest version of this policy shall be available for information and reference on the Tonga Fisheries website [www.tongafish.org](http://www.tongafish.org)

**Rationale:**

Development of domestic tuna fisheries in Tonga remains modest and trailing behind similar development prospects and opportunities seen in neighbouring countries. In addition, there remain limited opportunities through foreign investments in the harvesting and processing subsectors. It is a priority undertaking of His Majesty's government to reverse this trend and support sustainable development of tuna fisheries in the Kingdom. Charter is one fisheries development initiative that could take domestic tuna fisheries to the next level in Tonga EEZ and becoming an active participant in high seas fisheries.

*Currently, there is neither clear policy nor a legal basis to allow for Tongan nationals that wish to pursue charter arrangement for the purposes of fishing in Tonga's fisheries waters. The Ministry of Fisheries, under the Minister's directive, have been working towards addressing this.*

The proposed charter policy and legal frameworks intend to attract investments in the fisheries sector, thereby promoting opportunities to increase jobs, supply of fish to local markets, increase fish exports and foreign exchange. Other socio-economic benefits could be generated in this sector. Obviously it is crucial that these undertakings do not promote illegal fishers or permit foreign vessels to evade capacity or catch limits. Instead fisheries charter arrangements shall be done within the context of and not unduly undermine, international law and regional measures, and at the same time, respond to national development priorities and aspirations.

**Principles:**

Consistent with the FMA, tuna plan and other relevant policies of the government, the guiding principles governing the operation of charter fishing vessels in the Kingdom are as follows:-

- a. Sustaining stocks – fishing within allocated limits of targeted tuna stocks and restrict fishing efforts to prescribed limits incl. cap on fishing licenses;
- b. Socio-economic benefits - support domestic development prospects and opportunities, effective participant in the fishery, and encourage minimum economic standards;
- c. Food security – maintain supply and availability of fish to local markets and populations;
- d. Cooperation and integration – among all stakeholders to minimise any chances of misconstrued actions leading to excessive capacity and fishing efforts;
- e. Ecosystem & precautionary principles – exercise at all times these principles during fishing activities and onshore processing;
- f. Monitoring & compliance – promotes effective monitoring of fishing activities and ensures compliance to all measures incl. license terms and conditions

**Key Issue(s):**

The overall challenge for Tonga (and other FFA members) relating to vessel chartering within the Western and Central Pacific Fisheries Commission (WCPFC) is to ensure that vessel chartering remains an opportunity for sustainable tuna fishery development, and yields genuine economic benefits, but does not become a loophole leading to IUU fishing or related activity in support of such fishing that undermines the effectiveness of regional and national conservation and management measures. For instance, the following provisions in relevant WCPFC Conservation and Management Measures (CMMs) provide that:-

*“All States involved in a chartering arrangement, including flag States and other States that accept such an arrangement, should, within the limits of their respective jurisdictions, take measures that chartered vessels do not engage in IUU fishing.”*

*“Such charter, lease or other similar mechanisms shall be conducted in a manner so as not to invite IUU vessels. The Commission shall develop a Charter Arrangements Scheme, which will include notification provisions, at its Session in 2000.”*

Another greater concern is that some boat-owners or agents in Tonga could take advantage of the use of charter arrangements to unreasonably increase capacity and put at risk the conservation and economic gains targeted by Commission measures for the conservation of targeted tuna species. Hence, it is fundamentally important to understand the charter policy in support of preparing an application for chartered vessels for purposes of fishing.

There is also the issue of access to charter vessels that would become a serious constraint to domestic development. This is the case if there are a limited number of countries from whom Tonga can charter vessels as an integral part of its domestic fishery, if not now, but into the future. Such difficult situations may only arise if indeed there are limited choices or opportunity to charter efficient and cost-effective fishing vessels.

The relevant WCPFC measures set out the scope of vessels which are eligible for charter by CCMs as follows:-

- a. CMM2015-05 para. 4 “. . . only vessels listed on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of Non-CCM Carriers and Bunkers, and not on the WCPFC IUU vessel list, or IUU list of another RFMO, are eligible for charter
- b. CMM2013-10 provides only for the allowance of chartering of non-CCM carrier or bunker vessels in accordance with paragraphs 2(c), 42 and 44 of this measure.

Apart from those listed above, CCMs cannot charter fishing vessels from non-CCMs.

In order to broaden the range of fishing vessels available for charter, the following are some policy options that can be considered:-

- a. Make it a requirement in the development of a future collective charter scheme (FFA or WCPFC), which allows SIDS to charter vessels from non-CCMs;

- b. Support the granting cooperating non-Member status to potential charter partner States, which is more feasible;
- c. Amend relevant measures to allow for the charter of vessels from non-CCMs, recognising that in doing so requires all WCPFC members' consent and could be very difficult; and
- d. Encourage reflagging of non-SIDS flagged vessels to SIDS, cognizant of flag state responsibilities.

Notwithstanding, this Policy recognises, that while the above options offer future possibilities in support of domestic fisheries development, the current legal framework does not support bareboat charter by a Tongan subject for the purposes of fishing within Tonga's fisheries waters. The new charter legal framework will address this shortcoming.

### **Limits and Fees structure for Chartered Fishing Vessels**

Consistent with its tuna plan, Tonga longline fisheries are managed by a combination of catch and effort limits. Under the tuna plan, the total number of fishing vessel licenses (including local, locally-based and foreign licenses) issued in any given year at any given time must not exceed fifteen (15). While preferences will be given to operators applying for a locally based license, foreign vessels will be restricted to no greater than six (6).

Fees for foreign fishing vessels and locally based foreign fishing vessels (FFV) and local fishing vessels (LFC) will remain the same. The BBC vessels<sup>2</sup> can retain their foreign flags and pay a license fee of US\$10,000 to access and fish in Tonga's EEZ. As is the current practice, this fee is over and above the "resource rent" that will be calculated and invoiced for payment at a later time.

Moreover, it is a policy requirement that all chartered vessels, locally based foreign vessels and foreign vessels of all sizes in GRT that are licensed to fish in Tonga's EEZ must land their catches 100% in Tonga authorized ports. It is also a policy requirement that exports of fish landed or offloaded from foreign fishing vessel are exempted from export resource rent charge.

### **Opportunities:**

Chartered fishing vessels would support development of nationally owned fisheries businesses by allowing boat-owners to increase fleet size and profits with less risk than directly investing in additional vessels. These vessels should also provide opportunities for entry into the tuna fishery by Tongan subjects who would otherwise lack the capital to participate in the tuna fishery.

Also, the chartered vessels would provide fish for onshore processing operations and local sales where national fishing ventures fall short of levels needed. Attribution of catches from these

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<sup>2</sup> This means that the vessel will not be registered under the Shipping Act, retains its foreign flag, and will simply apply for a locally based foreign fishing vessel licence or a foreign fishing vessel licence. The Fisheries Management Act (FMA) is to be specifically amended to accommodate the policy intent of Tongan national chartering vessels for the purposes of fishing within Tonga's fisheries waters. An exemption of chartered fishing vessels from registration under the Shipping Act is also a complimentary requirement to support the policy intent of fishing charters.

chartered vessels to Tonga could also provide benefits during allocation discussions. However, this is not the policy intent rather chartered vessels are expected to support operations of domestic tuna fisheries and generate maximum economic benefits within sustainable limits.

### **WCPFC requirements:**

It is important that chartered fishing vessels closely follow WCPFC binding decisions and requirements – e.g. eligible vessels to charter, attribution and reporting of catches from chartered vessels, chartering State and flag State responsibility on chartered vessels, and others (also see CMM2015-05, CMM2014-03, CMM2013-10, CMM2009-09).

Fishing charters in the WCPFC are governed only by the Commission charter notification scheme. The entire charter notification scheme only refers to the notifications that are required to be made by CCMs to the WCPFC Secretariat for their chartered vessels as an “integral part of the domestic fleet”. This measure also states that “the Commission will continue to work on the development of a broader framework for the management and control of chartered vessels.” In particular this work shall cover the attribution of catch and effort by chartered vessels.

On this basis, the issues on responsibility and catch attribution are matters which still remain open for later discussion – possibly to be featured in a collective WCPFC charter scheme when it is reconsidered. Nonetheless, it is clear that under several CMMs (e.g. swordfish), indicate the catch of chartered vessels is to be attributed to the chartering State, as shown in several excerpts below:

*“For the purposes of these measures, vessels operated under charter, lease or other similar mechanisms by developing islands States and participating territories, as an integral part of their domestic fleet, shall be considered to be vessels of the host island state or territory.” And*

*“Flag states or entities shall be responsible for providing to the Commission scientific data covering vessels they have flagged, except for vessels operating under joint venture, or charter arrangements with another State such that the vessels operate, for all intents and purposes, as local vessels of the other State, in which case the other State shall be responsible for the provision of data to the Commission.”*

Furthermore, in the event fishing licenses are issued by the Secretary in accordance to the FMA 2002 and related regulations, all Tonga chartered fishing vessels are expected, under this policy, amongst other things, to:-

- (a) Fish within strict management limits and allocations of tuna fisheries in Tonga’s fisheries waters as prescribed in the tuna plan; and
- (b) Collect, report and attribute all catches to Tonga as the chartering State.

### ***Charter Notification & Reporting Arrangements***

Consistent with CMM2015-05 and FFC67 decisions, Tonga as a chartering State shall submit to the Executive Director by 1 July each year, the following information with respect to each chartered vessel:

- a) name of the fishing vessel, port of registry and WIN;
- b) name and address of owner(s);
- c) name and address of the charterer;
- d) fishing method; and
- e) the duration of the charter arrangement.

Tonga as a chartering State shall notify the Executive Director, within 15 days, or in any case within 72 hours before commencement of fishing activities under a charter arrangement of:

- a) any additional chartered vessel along with the relevant information;
- b) any change in the information referred to earlier with respect to any chartered vessel; and
- c) termination of any charter arrangement.

### **Requirements for chartering fishing vessels**

The current legal framework does not allow the proposed applicant/ Tongan subject to charter and register a vessel as a Tongan ship, and apply for a licence to fish within Tongan's fisheries waters. On the one hand, shipping laws of Tonga allow Tongan nationals to charter and register a vessel as a Tongan ship. On the other hand, under Tonga's fisheries laws a chartered vessel is only eligible to apply for a high seas permit and not a local fishing licence. It only allows for: -  
(i) partnership arrangements such as joint ventures and charters with the foreign owner of a vessel as a locally-based foreign vessel (where the Tongan subject does not own the vessel); and,  
(ii) a Tongan ship/ charterer to apply for a high seas permit.

These issues are now addressed through specific amendments to the FMA (and Shipping Act), and adoption of new fisheries regulation that specifically cater, amongst others, for chartered vessels that retain their foreign flags and locally-based, and in turn authorised and licensed to fish in Tonga's fisheries waters. The Fisheries Management Act provides details on fishing and fisheries including but not limited to the consideration of applications for fishing licenses. The Shipping Act provides for the registration of all vessels, including bareboat charters. Therefore it remains an option for chartered fishing vessels that choose to register and reflagged to Tonga. These fishing vessels can then apply to fish in Tonga's EEZ and authorize to fish in the high seas.

Notwithstanding, this policy encourages the use of and requirement for the authorisation of the CEO or Secretary of the Ministry of Fisheries for any interests intending to pursue charter arrangements, for purposes of fishing within and beyond fisheries waters of the Kingdom. This requirement extends to all interested parties including but not limited to subjects of Tonga who may be interested in chartering foreign fishing vessels.

## **Conditions for chartered fishing vessels**

All licensed fishing vessels in Tonga EEZ must comply with fishing license terms and conditions as set out for local vessels, locally-based and foreign vessels. Equally, the chartered fishing vessels shall comply with terms and conditions of Tonga standard fishing licence of locally-based foreign vessels. The chartered vessels must also satisfy the WCPFC charter related requirements, including but not limited to CMM2013-10 relative to WCPFC record of fishing vessels and authorisation to fish.

In addition these vessels shall also follow and comply with specific provisions set out below:-

- I. Fishing vessels to be chartered shall be in good standing and registered in the FFA Vessel Register, WCPFC Vessel Register and not be on the WCPFC IUU vessel list, or has a history of IUU fishing unless the ownership of the vessels has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no legal, beneficial or financial interest in, or control of the vessels, or the member concerned is satisfied that, having taken into account all relevant facts, the vessel is no longer engaged in or associated with IUU fishing.
- II. Vessels operating under charter arrangements shall be consider as an integral part of the Tonga (as a chartering State) domestic fleet if:-
  - a) they are authorised and licensed to fish in Tonga's EEZ, register and reflag to Tonga or not register but locally-based and retain foreign flags, authorised to fish in the high seas in the case of Tongan vessels or doing both; the charterer is a Tongan national;
  - b) catches of the chartered vessels shall be unloaded exclusively (100% landing) in Tonga Ports in order and activities of chartered vessels must not undermine domestic policies and laws, and also relevant CMMs adopted by the WCPFC;
  - c) the commercial entity or company chartering the vessel is legally established and registered in Tonga;
  - d) the vessel meets the requirement that 20% of all crews on the boat are Tongan nationals; and
  - e) The charterer must be a person(s) or company with a well-established track record in commercial enterprise;
- III. Catches taken and effort exercised pursuant to the chartering arrangement by vessels that operate under these provisions shall be recognized as attributed to, and counted against, the quota, catch limit or any other type of fishing possibilities of Tonga as the chartering State.

The details of any such existing alternative arrangement under the above shall be provided to the Commission through the Executive Director.

- IV. In the event it is the wish to register and flag the vessels, then Tonga, as both flag State and chartering State, shall ensure compliance by the chartered vessels with the Convention and with relevant CMMs adopted by the WCPFC, in accordance with their rights, obligations and jurisdiction under international law.
- V. Notwithstanding, with the new propose amendments to the Shipping Act and FMA, chartered vessels can retain their original flags and locally-based, then the flag State is responsible for exercising flag State responsibility for all chartered vessels carrying its flag with respect to fishing activities by such vessels.
- VI. Chartered vessels shall be fully subject to the same reporting controls of observer, VMS, transshipment, catch documentation and other conditions applied to other fishing vessels under similar circumstances as such requirements apply, in accordance with relevant measures adopted by the WCPFC.
- VII. Chartered vessels shall carry on board:
  - a) a fishing license issued by Tonga as a chartering State for fishing in its EEZ;
  - b) an authorisation issued by Tonga as the flag State of the vessel to cover any fishing activities by the vessel in waters beyond Tonga's EEZ; and
  - c) an appropriate authorisation issued by the flag State for fishing in waters beyond Tonga's EEZ. This applies only to chartered vessels licensed to fish in Tonga's EEZ but retain original flag.

### **Improving information on chartered fishing vessels**

It is a legal requirement to report catches by submitting trip logsheets and observer reports to the Ministry of Fisheries. The ministry will collect such information from chartered fishing vessels to maintain and increase public confidence in the Ministry of Fisheries ability to manage the Kingdom's fisheries effectively. The information provided is used to:

- a) ensure Tonga meets its international obligations – especially for highly migratory species and by-catch;
- b) assess the impacts of events or management proposals – such as when a ship discharged unlawful substances at sea, runs aground or a spatial plan is developed;
- c) manage shared fisheries through targeted information about key shared fish stocks;
- d) detect fishing patterns in time and space that can signal important changes in fisheries;
- e) act as important barometers of how fisheries are performing; and
- f) identify and monitor trends through a time series of fleet activity.

The Ministry of Fisheries has designed a reporting system that's easy to use while still collecting quality information by all Tongan chartered fishing vessels. In the future it is expected that the

use of electronic logsheets for collection and storage of data and electronic monitoring will be available on all longline vessels.

***Consideration of fishing licenses for chartered vessels***

The first step in the application process is to seek an authorisation to charter from the Ministry of Fisheries, followed by the final step of the application process for an EEZ fishing licence or high seas fishing permit. These steps must be followed accordingly in order to avoid disappointments of not granting with a fishing license. The application will be assessed against a check-list and other relevant requirements endorsed by the CEO from time to time.

This Policy only covers details of the first step of authorising charters. The details on the other step can be referred to the application for fishing license under the Fisheries Management Act 2002.

***Application process for authorising & licensing charters of fishing vessels***

The Ministry of Fisheries will initially screen and review the application of authorising charters consistent with the form or check list as set out in the regulation. The table below depicts clear steps to follow in the preparation of application for charter authorisation. All interested persons are expected to familiarise themselves with these steps in preparing charter applications.

<b>Process</b>	<b>Procedure</b>	<b>Responsibility</b>	<b>Period</b>
Step 1	<p>Applicant should contact the Licensing Section or take information in regard to lodging a charter application from the fisheries website, <a href="http://www.tongafish.org">www.tongafish.org</a></p> <p>Applicant should use the check-list provided to complete the charter application form. When all requirements are met the applicant should submit the application with the required processing fee as a single payment per charter application.</p>	Charter Applicant	1 week
Step 2	<p>The Licensing Section will review the authorization application ensuring it satisfies the check-list as provided under the regulation. Response letter is then sent back to the Charterer on the outcome of the authorization application.</p> <p>(i) in the event, the application for authorization does not pass the check list, a period of one week is then given to resubmit the revised application</p> <p>(ii) if all is good then proceed to Step 3</p>	Licensing Unit	1 week
Step 3	<p>The Licensing Section will receive all charter applications and invoice for the application processing fee. A receipt will be issued by Finance and the Licensing Unit will provide the charter applicant and confirm the application is lodged for processing.</p>	Licensing Unit	1 week

Step 4	<p>The Licensing Unit will review every application, with input from relevant senior fisheries officials, and confirm if the application meets all the requirements to authorise chartering fishing vessels.</p> <p>If the application is incomplete, the charter applicant shall be contacted to provide the additional information within a certain timeframe. If not met, the application shall be returned.</p> <p>If the application is complete, this shall be passed to the CEO for consideration.</p>	Licensing Unit supported by senior fisheries officials	4 weeks
Step 5	<p>The CEO/ FMAC will review the licence summary and information provided to ensure the application satisfies all requirements.</p> <p>The CEO/ FMAC will consider the application (with a view on approval or rejection) and submit the charter application plus recommendations to the Minister.</p>	CEO/ FMAC	1 week
Step 6	<p>The Minister will review each application and consider the CEO/ FMAC recommendations. The Minister will approve or refuse the charter application.</p>	Minister	Up to 3-months
Step 7	<p>The CEO will notify the applicant if the application has been approved or refused. If approved, the applicant is required to lodge all relevant fees to finalise the charter authorisation process as a <b><i>single payment per charter application</i></b>.</p> <p>If the application is declined, the applicant is informed why and can resubmit a new application.</p>	CEO/ Head of Fisheries	1 week
Step 8	<p>Once all fees are received by Accounts, the receipt will be issued and the Licensing Unit will provide the receipt to the applicant, and issue an authorisation certificate.</p>	Licensing Unit	1 week
Step 9	<p>The charterer will then be monitored to ensure all license terms, conditions and requirements are satisfied at all times during the chartering period. The charterer must complete a compliance report when required by the Ministry of Fisheries.</p>	Licensing Unit and other Senior Fisheries Officials	Ongoing

Applicants should not submit a charter licensing application unless they are satisfied that all the requirements have been met. If a charter application is returned due to inadequate information there is no review procedure and a new charter application will need to be lodged. Further lodgement of a charter application is only advised if the declined charter applicant has fully reviewed where charter requirements were not satisfied and has taken all necessary actions to ensure all licensing requirements can be satisfied in a new charter application.



### ***Criteria for evaluating charter application***

All interested persons and applicants are expected to understand the criteria used to evaluate charter applications. These suggested criteria would be reflected, after further consideration, in the new regulation.

<b>Process</b>	<b>Procedure</b>	<b>Remarks</b>
Criteria 1	The application must meet the requirement of all applicable policy, be submitted on the approved forms, be fully completed with all required information, and be accompanied by any required fee.	
Criteria 2	The application must meet the requirements of relevant Fishery Management Plans	
Criteria 3	The application must meet the terms and conditions of any applicable Access or State Development Agreement	
Criteria 4	The application must meet the requirements of any applicable Fisheries Management Agreement made with other States	
Criteria 5	The application must meet the requirements of any international conservation and management measure which is applicable	
Criteria 6	If a fishery has not been previously exploited commercially it may require a trial fishing permit and criteria will be agreed with the applicant before the application is submitted.	
Criteria 7	Any others?	

### ***Circumstances where an application will be declined***

There may be other circumstances, including points raised in the table below, where an application of a charter authorisation and licensing may be rejected. These points are also reflected in the proposed new regulation under the FMA.

<b>Process</b>	<b>Circumstances to decline a charter application</b>	<b>Remarks</b>
Point 1	Where any information required to be given under the FMA or Regulation or any applicable access agreement is not provided, or is considered to be false, incorrect or misleading;	
Point 2	Where a material misrepresentation, omission or mis-statement of fact has been made in the licence application;	
Point 3	Where the Secretary of the Ministry of Fisheries is satisfied that the operation of the subject of the application does not conform in a material respect to the requirements of the FM Act or Regulations, any applicable access agreement or other relevant agreement, or any other relevant law;	
Point 4	Where the applicant is a corporate person any of the principals of the applicant, has been convicted of a relevant offence, or has been convicted of an offence involving dishonesty or declared bankrupt under any law;	

Point 5	Where, in the case of a trial fishing application, the applicant fails to submit a satisfactory trial fishing investigative proposal;	
Point 6	Where the applicant is a corporate person any of the principals of the applicant, has been convicted of a relevant offence, or has been convicted of an offence under any law where this may impact on the credibility of the fishing operation, or the reputation of the Ministry of Fisheries;	
Point 7	Where a vessel has authorised use of driftnet or driftnet fishing activities;	
Point 8	Where the vessel is listed as an IUU vessel;	
Point 9	Where the corporate body or charterer is listed on any IUU list;	
Point 10	Where there is reason to believe that a vessel has engaged in trafficking of people or drugs; or that fish workers on board have been treated in a cruel or un-humane fashion;	
Point 11	Where there are reasons to believe that Tonga will not be able to exercise effectively its responsibilities under applicable international conservation and management measures;	
Point 12	Where there is reliable information that a foreign State has withdrawn or suspended authorisation for a vessel to fish on the high seas for undermining international conservation and management measures, unless the beneficial owner of the vessel has changed.	
Point 13	Are there any others?	

It is also highly likely that the application will be declined if it involves prohibited activities prescribed in the domestic laws and policies of Tonga.

### **Who To Contact**

If you need more information or require assistance in understanding this policy, please email [ceo@tongafish.com.to](mailto:ceo@tongafish.com.to) or call (676) 21399

