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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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## GENERAL NOTICE

### NOTICE 526 OF 2004

## DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

### INVITATION TO APPLY FOR COMMERCIAL RIGHTS TO UNDERTAKE COMMERCIAL FISHING OF LARGE PELAGICS (TUNA AND SWORDFISH) USING A LONGLINE IN TERMS OF SECTION 18 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO 18 OF 1998)

The Department of Environmental Affairs and Tourism hereby announces for general information that it is the intention of the Minister of Environmental Affairs and Tourism to allocate commercial large pelagic longline fishing rights for a period not exceeding ten years. The allocation of the commercial rights will be in terms of Section 18 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998).

### REQUIREMENTS FOR THE COMPLETION AND SUBMISSION OF THE APPLICATION FORM

#### 1. Important

Every applicant will be required to complete the stipulated application form. There are two different application forms that may be completed. The first Application Form (Annexure B) applies to applicants who wish to target tunas. The second Application Form (Annexure C) applies to applicants who wish to target swordfish. You may not apply for the targeting of tunas and swordfish on the same Application Form. You may apply separately on the specified Application Forms for a right to target tuna and a right to target swordfish. The completion and submission of the applicable Application Form(s) must be in terms of this Notice. Clear instructions are also provided as part of the Application Forms.

Failure to adhere to the requirements will result in the sanction provided being applied.

#### 2. Policy and Criteria

All applicants 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: 2004 ("the Policy")*, which is Annexure A to this Notice prior to completing the applicable Application Form.

#### 3. South African Persons

Only South African persons will be granted a commercial large pelagic longline fishing right. A South African person is any one of the following:

- a South African citizen in terms of the South African Citizenship Act, 1995 (Act No. 88 of 1995);
- a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), in which the majority of the shareholders, as prescribed by the Minister, are South African persons;
- a Close Corporation in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984), of which the majority of members are South African persons; or
- a trust in which -

- the majority of trustees, having the controlling power, are South African citizens; or
- a majority of the beneficial interest is held by South African citizens.

**IMPORTANT:** Applicants must read the Policy and determine whether it is feasible for them to apply in terms of the criteria set out in paragraphs 5 and 16. The application fee you pay is non-refundable.

#### **4. Duration of Rights**

Commercial large pelagic longline fishing rights will be allocated for a period not exceeding 10 (ten) years. This duration will apply to both a tuna longline directed right and to a swordfish directed right.

#### **5. Applicability of the Rights**

The rights that will be allocated in terms of this Notice and the Policy will apply solely to the targeting of either swordfish (with a tuna bycatch) or tunas (with a swordfish bycatch) using a longline. A further bycatch of pelagic sharks caught by longline will be permitted regardless of the right applied for.

#### **6. Collecting Application Forms**

The Department, through its Branch: Marine and Coastal Management, will make available application forms (see the specimen Application Forms included as **Annexure B** and **Annexure C**) and the Policy (included as **Annexure A**) for collection from its Foreshore Offices (2<sup>nd</sup> floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town).

The Application Forms and Policy will be available for collection with effect from 09h00 on Wednesday 24 March 2004 until 15h30 on Wednesday 15 September 2004. No Application Form will be handed out after 15h30 on Wednesday 15 September 2004. Every person who collects an Application Form will be required to sign for the Application Form(s).

Application Forms will not be faxed or emailed to any person. Application packs (Gazette Notice, Application Form and Policy) may be posted on written request to an applicant. Should you require an application pack to be posted to you, then you must submit a written request to the Department, attention Mr Andre Share, Director: Resource Management, Private Bag X2, Roggebaai, 8012. Your written request must specify:

- ☐ Your full name and contact details;
- ☐ Which prospective applicant or joint venture partners you represent; and
- ☐ Which fish species you intend targeting.

#### **7. Completing Application Forms**

The Application Form contains clear instructions which every applicant must strictly adhere to.

Applicants who wish to apply for a right to target tunas must complete the tuna longline Application Form (see specimen Application Form **Annexure B**). Applicants who wish to apply for a right to target swordfish must complete the swordfish longline Application Form (see specimen Application Form **Annexure C**).

The Application Form requires very specific information. All information requested must be provided either in the Application Form or as annexures to the Application Form and in the order required by the Annexure Page to the Application Form (Section 12). The Application Form requires the minimum information from applicants.

Failure to provide the information required in the Application Form will result in the application being adversely considered, which could also result in the application being refused.



### **8. Completing the correct Application Form**

To reiterate, applicants who wish to apply for a right to target tunas must complete the tuna longline Application Form (see specimen Application Form **Annexure B**). Applicants who wish to apply for a right to target swordfish must complete the swordfish longline Application Form (see specimen Application Form **Annexure C**).

Should you fail to complete the Application Form applicable to the large pelagic species you intend to target, then your application may be refused.

Should you apply for both tuna and swordfish directed rights on the same application form, then your application will be refused.

### **9. Lodging Applications**

As stated above, all applications must be submitted on the Application Form provided by the Department. Failure to submit applications on the stipulated Application Form will result in the application being refused.

Each applicant may only lodge one Application Form for the targeting of a particular species of large pelagics (ie. an applicant may only lodge one Application Form for the targeting of tuna using a longline, for example). Applicants may however lodge Application Forms for both a right to target swordfish and a right to target tuna. Should an applicant lodge more than one Application Form for the targeting of a particular species, and these are received by the Department at approximately the same time (ie on the same day), then both Application Forms will be refused. Should an applicant lodge an Application Form and thereafter (but before the closing date) lodge a second or further Application Form, then the second or further Application Form will be the application considered, provided it meets the various other peremptory and essential requirements. The initial or first Application Form will not be considered and removed from the process of evaluation.

Applicants are advised that the obligation rests entirely on them to ensure that all information, which they believe is necessary for the evaluation of the Application Form is provided in the Application Form and/or attached as clearly marked annexures to the Application Form. The Department will not receive any further information, annexures, documents, other supplementary information or amendments after the closing date. The Department does reserve its right to call for further information pertaining to a specific application.

Application Forms (including the hard copy of the Application Form) must be lodged at or before 17h00 on Friday 17 September 2004 ("the closing date"). Failure to lodge an Application Form on or before the closing date will result in the late application being refused.

Applicants may only lodge Application Forms in one of the following two ways. Applications transmitted by facsimile, electronic mail or by any other means not mentioned below, will be refused.

1. Hand deliver applications to the offices of Marine and Coastal Management, which are located on the 2<sup>nd</sup> Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town. Hand delivered applications must be lodged between 09h00 on 17 September 2004 and 17h00 on 17 September 2004.
2. Post applications registered mail to reach the Department by no later than 17h00 on 17 September 2004. Prospective applicants may commence with the mailing of completed applications forms with effect from 01 September 2004. These applications must be addressed as follows:

The Department of Environmental Affairs and Tourism  
Large Pelagic Commercial Right Application  
P.O. Box 23553  
CLAREMONT  
7735

Every posted Application Form must be accompanied by proof of proper payment of the application fee of R6700. Where an Application Form is received by post or by hand and without proof of proper payment of the application fee, it will be presumed that proper and timeous payment of the application fee has not been effected. **Such Application Forms will be refused.**

You may commence with the mailing of Application Forms with effect from 01 September 2004. **Mailed Application Forms must reach the Department by no later than 17h00 on 17 September 2004.**

#### **10. Form in which Application Forms and number of Application Forms that must be Lodged**

Applicants must lodge an original Application Form (with annexures) and a true copy of the original Application Form (with annexures).

The purpose of the above requirement is the following. The original application will be securely stored at the Department's offices. The copy will be used for the purposes of evaluation and for the purposes of creating a database for each applicant, recording certain pertinent information for future use, including information to be used for the purposes of verification by the Department's Rights Verification Unit.

**Failure to adhere to this requirement could result in the application being refused.**

#### **11. Payment of application fees**

The lodgement of an Application Form for a commercial large pelagic longline fishing right requires the payment of an **application fee of R6700 (six thousand seven hundred rand)**. **Should you apply for both a tuna directed right and a swordfish directed then you must pay an application fee of R13 400 (thirteen thousand four hundred rand).**

All applicants must pay the application fee into the bank account stated below on or before the closing date.

Further, applicants must attach a deposit slip or a bank validated proof of electronic transfer showing that the full application fee was deposited into the Department's nominated bank account. **Such proof of proper and timeous payment must be securely attached to the original Application Form.**

A copy of the deposit slip or electronic transfer should also be attached to the application copy.

**Any applicant that fails to properly and timeously pay the full application fee of R6700 at or before 17h00 on 17 September 2004 and that fails to attach proof of payment to its original Application Form will have its application refused.**

The full application fee of R6700 (or R13 400) must be paid into the following bank account:

|                  |                                  |
|------------------|----------------------------------|
| Name of Account: | The Marine Living Resources Fund |
| Bank:            | ABSA                             |
| Branch:          | Heerengracht                     |
| Account No.:     | 4059338062                       |
| Branch No.:      | 506009                           |

#### **Signature and Commissioning**

Section 13 of the Application Form for a tuna directed right (see Annexure B) or Section 13 of the Application Form for a swordfish directed right (see Annexure C) requires the applicant to sign the Application Form and to have his/her signature **commissioned by a Commissioner of Oaths as required by South African law**. If the Application Form was prepared or completed by a third party or on the advice of a third party, then Section 14 of the Application Form for a tuna directed right (see Annexure B) or Section 14 of the Application Form for a swordfish directed right (see Annexure C)

requires this third party or its authorised representative to also sign the Application Form. This third party or its authorised representative's signature must also be commissioned by a Commissioner of Oaths as required by South African law.

Failure to adhere to the requirements of Section 13 and Section 14 of the Application Form will result in the application being refused.

#### **Verification**

Applicants are informed that it remains the prerogative of the Department to verify any or all information submitted by applicants in their Application Forms, including information attached as annexures. The Department will verify the information submitted by every applicant that is granted a right. The Department reserves its right to randomly verify information submitted by other applicants.

By completing and submitting the Application Form, the applicant authorises the Department, including the Rights Verification Unit, to enter upon any property owned by the applicant or to which the applicant has a right to use (such as in terms of a lease agreement) to conduct verification activities pertaining to the submission of an Application Form for a commercial large pelagic longline fishing right.

#### **Tuna Longline Experimental Fishery**

The Department issued 24 experimental permits for the harvesting of tuna and swordfish by longline. These permits are valid up until 30 June 2004.

The 24 experimental permits issued shall continue to be valid beyond 30 June 2004 and shall remain valid for a period not exceeding 12 months from the date of this Notice or until the allocation of commercial fishing rights in the large pelagic longline fishery, whichever occurs first.

#### **Helpline**

The Department has set up a toll-free helpline for prospective applicants. Prospective applicants are encouraged to make full use of the toll-free helpline which will be operative from 09h00 on Wednesday 24 March 2004 until 15h30 on Wednesday 15 September 2004. The telephone number for the helpline is:

**0861 – PELAGIC**

**0861 – 7352442**

**Annxure A**



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**  
**BRANCH MARINE AND COASTAL MANAGEMENT**

**POLICY FOR THE MANAGEMENT OF AND ALLOCATION OF**  
**COMMERCIAL FISHING RIGHTS IN THE LARGE PELAGICS (TUNA**  
**AND SWORDFISH LONGLINE) FISHERY: 2004**

**24 March 2004**

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## 1. Introduction

This policy on the management of and allocation of commercial fishing rights in the large pelagics<sup>1</sup> longline fishery is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department").

South African participation in the 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 pelagics 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 to not 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.

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 cooperation with the relevant Regional Fisheries Management Organisations' ("RFMO's") and in accordance with their existing management and control measures.

## 2. The Experimental Tuna Longline Fishery

The availability of tuna and swordfish stocks in South African waters, coupled with a renewed interest in the longlining of tunas by South Africans convinced the Department in 1997 to grant experimental permits for the longlining of tunas.

Participants in the experimental fishery consisted of 20 then-existing tuna pole quota holders and 10 then-non tuna pole quota holders.

The objectives for the experimental fishery were to –

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<sup>1</sup> *Large pelagics* 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 Tunas ("CCSBT").

- develop a performance history in tuna fishing so that the relevant RFMO's 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 pelagics fishery.

The experimental fishery has 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.

The commercial shark longline fishery, tuna pole fishery, handline fisheries and the recreational sector all catch tuna as a target species or as a by-catch. 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.

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

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

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

It is a policy objective to consolidate all commercial large pelagic longline fisheries, including the existing pelagic shark longline fishery. The commercial harvesting of pelagic sharks by the existing shark longline fishery will not be allowed subsequent to 31 December 2005. Instead, right holders in the commercial shark longline fishery who intend to harvest pelagic sharks should apply for a commercial large pelagics right in terms of this policy to target tunas and swordfish. A pelagic shark by-catch will be permitted. The targeting of pelagic sharks will not be permitted with effect from 1

January 2006. The targeting of demersal sharks using longlines will be unaffected by this policy and will continue as a separate commercial fishery.

### **3.2 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 Africans.

### **3.3 Catch database**

Stocks of highly migratory species, such as swordfish and tunas 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.

## **4. Duration of Rights**

Commercial large pelagic longline fishing rights will be allocated for a period of ten years. The reasons for this duration are the following:

- (a) the need to further develop a South African catch history for large pelagics, particularly for tunas; and
- (b) the high capital investment required for entry into the large pelagics fishery.

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<sup>2</sup> For a definition of *South African person* see section 1 of the Marine Living Resources Act, 18 of 1998.

## 5. Suitable Applicants

Rights will only be allocated to South African persons who:

- (a) have invested in or have right of access to a suitable vessel;
- (b) demonstrate a capacity to harvest and market tunas 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, 18 of 1998 ("the Act").

The Department recognises that, because of a lack of suitable South African vessels and South Africa's limited experience in the large pelagics 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.

Finally, the suitability of applicants will also be determined having regard to whether they are able to activate their fishing permits within 2 years of the right being allocated.

## 6. Suitable Vessels

Rights will only be granted to suitable applicants who demonstrate ownership of or a 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 tunas will have to demonstrate ownership of or a right of access to a vessel with a minimum South African Maritime Safety Authority ("SAMSA") registered length of approximately 24m. Vessels with lengths less than 24m may be considered having

regard to their performance record. Preference will be given to vessels that have onboard freezing facilities.

Applicants that intend to target swordfish will have to demonstrate ownership of or a right of access to a 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 installed; and
- (b) not be a vessel that is listed on the official negative vessel lists ("blacklists") of ICCAT, the IOTC or the CCSBT.

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

Foreign flagged vessels will however be considered provided that the foreign flagged vessel:

- (a) is re-flagged as South African within 12 months of the right being granted; and
- (b) carries, at the cost of the right holder, observers nominated by the Department for the duration that the vessel is foreign flagged.

## 7. 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;



- Richards Bay; and
- Durban.

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;
- Richards Bay; and
- Durban.

#### **8. Total Applied Effort (TAE)**

To date, a South African performance history 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 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; and
  - (b) 30 tuna directed rights,
- will be allocated.

As stated in paragraph 3.1 above, the current targeting of sharks by the commercial shark longline fishery will be integrated into the large pelagics longline fishery. There will not be a separate pelagic shark longline fishery. Accordingly, current holders of pelagic shark longline fishing rights should apply for a large pelagics right in terms of this policy. Shark longline right 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 and subject to such limitations as may be determined by a South African National Plan of Action on Sharks. Shark longline right holders who apply unsuccessfully for a

large pelagics fishing right in terms of this policy shall be entitled to target sharks as authorised in terms of the applicable permit conditions and regulatory provisions until 31 December 2005. Thereafter, no person shall be entitled to target pelagic sharks using a longline.

#### **9. Nationality of Catch**

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

Rights will not be allocated to persons who own or have access to foreign flagged vessels, unless:

- (a) the relevant authority of the flag state authorises, in writing, that all catches of large pelagics, whether harvested in South Africa's EEZ or on the high seas, shall accrue to South Africa; and
- (b) the owners and operators of the foreign flagged vessel submit, in writing, that the vessel shall be subject to laws that govern in the territory of the Republic of South Africa.

#### **10. Regulatory Controls**

The regulation of the commercial large pelagics 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 applicable RFMO's. The following principal regulatory measures will apply to the harvesting of tunas and swordfish in the Atlantic and Indian oceans.

| <b>Atlantic Ocean</b>                          | <b>Indian Ocean</b>                       |
|--|---|
| <b>Swordfish Directed (tuna by-catch)</b>      | <b>Swordfish Directed (tuna by-catch)</b> |
| 100% of the ICCAT swordfish country allocation | No catch limit for swordfish              |

|   |   |
|---|---|
| No tuna by-catch limitations  | No tuna by-catch limitations  |
| Olympic system until 80 % of TAC reached. Thereafter industry is to manage the remaining allocation.  | No upper catch limit  |
| 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 / 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 by-catch)</b>   | <b>Tuna Directed (Swordfish by-catch)</b>   |
| No catch limit on tunas, except bigeye tuna where a 2100 ton annual TAC has been determined.  | No catch limit on tunas   |
| A 15 % swordfish by-catch ( <i>vis a vis</i> the number of tuna caught) will be permitted.  | <input type="checkbox"/> High Seas: No swordfish by-catch limitation<br><input type="checkbox"/> SA EEZ: A 15 % swordfish by-catch ( <i>vis a vis</i> the number of tuna caught) will be permitted.                       |
| Notwithstanding that the swordfish country allocation determined by ICCAT may be reached, tuna directed right holders may continue harvesting tuna, provided the swordfish by-catch limitation is adhered to. | No limitation on tuna catches   |
| 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 / 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 amendment 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:

- Inform Marine and Coastal Management in writing [**Attention: The Chief Director: Resource Management (fax no 021 421 5151)**] as to the ocean (i.e. whether Atlantic or Indian) in which fishing will be undertaken. No fishing will be permitted to occur in the Atlantic and Indian Ocean on the same trip;
- (If tuna directed), limit their swordfish by-catch 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 tranship while at sea.

#### **11. Observers**

All foreign flagged vessels may be required to carry, at the cost of the right holder, Departmentally approved observers during all fishing trips. South African vessels will randomly be selected to carry observers, which costs shall be borne by the right holder.

#### **12 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.

#### **13. Application Fee and Levies**

An application fee of R6 700 (six thousand seven hundred rand) will be applicable for each application submitted. 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. The levies will be payable on a quarterly basis. **Levies payable on fish landed by foreign flagged vessels may be at a higher rate than for South African flagged vessels.**

#### **14. Performance**

All right holders will be expected to have fully commenced with the harvesting of both tunas and swordfish as stipulated under the respective permit conditions within two years of the right having been granted. With effect from the commencement of the second year of the right, the fishing performance of right holders will be monitored, and then subsequently assessed on a regular basis. Right holders will be obliged to achieve a certain specified rate of fishing performance.

Specific criteria for the assessment of fishing performance will be determined after consultation with right holders, taking cognisance of the relevant international standards in this regard.

Failure to perform as stipulated may result in the right being suspended, cancelled or revoked.

#### **15. Outstanding Fees and Levies**

The Department may elect to not allocate a right to any applicant who was a participant (or whose shareholders, members or trustees were participants) in the tuna longline experimental fishery and who failed to pay all levies and fees as were required.



## 16. Criteria

Applications for commercial large pelagic fishing rights will be evaluated in terms of this policy and in particular, the following criteria:

- (a) **Prior involvement in, and knowledge of, the large pelagics longline fishery:**  
Applicants will be considered having regard to their knowledge of and prior involvement in the large pelagics longline fishery, which will include taking into account whether the applicant or any of its shareholders participated in the tuna longline experimental fishery and whether such participation accorded with the purpose and objectives of the experimental fishery, and the performance record of the participant. Regard will also be had to the information provided in the fishing plans;
- (b) **Investment in the large pelagics 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;
- (c) **Capacity to process and market large pelagics:**  
Applicants will be considered having regard to their ability to process and market successfully tunas and swordfish;
- (d) **Level of South African management and ownership:**  
As far as transformation of the large pelagics fishery is concerned, a priority is to allocate rights to suitable applicants that are either wholly or substantially (ie. more than 50%) owned<sup>3</sup> and managed<sup>4</sup> by South African persons. Preference will be given

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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;

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;

(e) **Ability to commence with the harvesting of large pelagics:**

Applicants will be considered having regard to their ability to commence with the harvesting of large pelagics 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 pelagics immediately upon the allocation of a right; and

(f) **Compliance with the Act 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 Act or pled guilty to breaching a provision of the Act, 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 the Law of the Sea, the convention, declaration or treaty of any RFMO or the provisions of any other country's marine and/or fisheries laws.

Applicants must satisfy certain essential requirements. These include:

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

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<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.

**ANNEXURE B**

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: 2004 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



### Instructions to Applicants: You must read these carefully

1. Before completing this application form, you must read the Policy for the Management of and Allocation of Commercial Fishing Rights in the Large Pelagics Fishery: 2004. This Policy is available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, and is available on the Department's website – [www.deat.gov.za](http://www.deat.gov.za). This Policy forms part of this application form and will be used by the Minister and/or his delegate during the process of evaluating applications for commercial large pelagic fishing rights.
2. You must fill in this application form as required and attach all annexures in the form and order instructed in the application form. The application form must not be separated or re-ordered in any way. All annexures must be included in order and attached to the back of the application form.
3. This application form must be completed in English only. Should you have any difficulties in understanding any part or any question in this application form, then you are welcome to call the toll-free number listed below for advice and support.
4. You must complete the application form applicable to the fish species you intend to target (ie either Tuna or Swordfish). You may not apply for both Tuna and Swordfish directed rights on the same application form. **Should you apply for both Tuna and Swordfish directed rights on the same application form, then your application will be refused.**
5. The application forms are laid out in terms of a specific format to aid evaluation and decision-making. You may not submit an application in any format other than on this application form. **Should you submit an application on a form other than the stipulated (official) application form, then your application will be refused.**
6. It is your responsibility to ensure that all pages of this application form are properly completed and all the required documents and annexures are provided. Failure to provide all applicable documents and annexures could result in the application being adversely considered.
7. Every applicant must attach to their respective application forms the annexures required by the application form. Each annexure must be marked as required by the application form.
8. Every applicant must submit 1 (one) original application form and 1 (one) copy, inclusive of all annexures, of the original application form, which is certified by a South African Commissioner of Oaths to be a true copy of the original application form. **Should you fail to provide 1 (one) copy of the original application form, then your application will be refused.**
9. **Each applicant may only lodge one application form for the targeting of a particular species of large pelagics (ie. an applicant may only lodge one application form for the targeting of tuna using a longline, for example). Applicants may however lodge application forms for both a right to target swordfish and a right to target tuna.** Should an applicant lodge more than one application form for the targeting of a particular species, and these are received by the Department at approximately the same time (ie on the same day), then both application forms will be refused. Should an applicant lodge an Application Form and thereafter (but before the closing date) lodge a second or further Application Form, then the second or further Application Form will be the application considered, provided it meets the various other peremptory and essential requirements. The initial or first Application Form will not be considered and removed from the process of evaluation.
10. All documents attached as annexures to the application form must be true and certified copies of the original documents.
11. If a section in the application form does not apply to you, then you need not fill it in but you are requested to mark it as being "Not Applicable".
12. The application form must be lodged with the Department in only **one** of the following two ways:
  - a. By hand; or
  - b. By registered mail.
13. Should you decide to post the application form, then you **must**:
  - Post it by registered mail to -

THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM  
LARGE PELAGIC COMMERCIAL RIGHT APPLICATION  
PO BOX 23553  
CLAREMONT  
7735

- Post it to reach the above address by not later than 17h00 on 17 September 2004. You may commence with the mailing of applications with effect from 01 September 2004; and

- Attach to the original proof of payment of the application fee of R6700. This proof must either be a deposit slip or bank validated electronic transfer receipt. A copy of either the deposit slip or bank validated electronic transfer receipt should also be attached to the copy.

**Should you fail to post your application as required, then your application will be refused.**

14. Should you decide to hand deliver your application, then you must:

- Hand deliver your application to -

**THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM: BRANCH  
MARINE AND COASTAL MANAGEMENT  
2<sup>nd</sup> FLOOR, FORETRUST BUILDING, MARTIN HAMMERSCHLAG WAY  
FORESHORE  
CAPE TOWN**

- Hand deliver your application by no later than 17h00 on 17 September 2004. Application receipting will commence at 09h00 on 17 September 2004 at the above venue; and
  - Attach the original proof of payment of the application fee of R6700. This proof must either be a deposit slip or bank validated electronic transfer receipt. A copy of either the deposit slip or bank validated electronic transfer receipt should also be attached to the copy.
15. You may not fax or email an application form. Should you submit your application in any form or a manner not provided for above, **then your application will be refused.**
16. You must pay the full application fee of R6700 (six thousand seven hundred rand) into the following account by not later than 17h00 on 17 November 2003:

|                         |                              |
|-------------------------|------------------------------|
| Name of Account Holder: | Marine Living Resources Fund |
| Bank:                   | ABSA, Heerengracht           |
| Account Number:         | 4059338062                   |
| Branch Code:            | 506009                       |

17. You must pay the full application fee of R6700 before the closing date of 17h00 on 17 November 2003. You may pay the application fee at any ABSA Bank branch from 01 September 2004 until 17 September 2004. ABSA Bank's working hours are from 08h30 to 15h30 Monday to Friday and 08h00 to 11h00 on Saturdays. **If you do not pay your application fee as required, then your application will be refused.**
18. **Application fees are not refundable.**
19. If you furnish any information that is not true, complete or correct, then your application may be refused, or, if a right is granted it may be revoked or suspended. Information is not true if you provide false or misleading information or documentation, or if you fail to disclose material information.
20. Information submitted may be verified. By signing this application form, you authorise any institution, organ of state, person or body, who possesses or acquires any information concerning or related to the information in your application, to disclose or make available such information to the Minister, his delegate, the Rights Verification Unit of the Department or a duly authorised official of the Department of Environmental Affairs and Tourism.
21. **This application form must be signed by the applicant in the presence a Commissioner of Oaths.** If this application is prepared or compiled by, in consultation with, or on the advice of, any person other than the applicant, its employees, members, trustees or directors, then Section 14 of the application form must be completed by the Third Party, signed by the Third Party, and the Third Party's signature must be commissioned by a Commissioner of Oaths. **If you do not comply with the requirements of sections 13 and 14 of the application form, then your application will be refused.**

**ATTENTION COMMISSIONERS OF OATHS:** When commissioning Section 13 and Section 14 (when applicable) of this application form, you are commissioning that the signatory understands the oath taken or affirmation made in Sections 13 or 14. Commissioning is not certification that the copy is a true copy of the original. Certification of the copy as being a true copy of the original is a separate and different process. Further, you must commission the applicant's and third party's signatures strictly as is required in terms of GN Regulation 1258 of 21 July 1972.

22. Should you require any help in completing this application form or should you not understand any of the requirements or any other matter, then you are most welcome to call the Department's toll-free helpline at any time Monday to Friday from 09h00 to 16h00. The toll-free line will be available from 24 March 2004 until 15h30 on 15 September 2004. The number is -

**0861 – PELAGIC  
(0861 – 7352442)**

**In the case of inconsistency between these instructions and the instructions contained in the Government Notice, then the instructions contained in the Government Notice will prevail.**



## Section 1

## APPLICANT INFORMATION

|  |  |                          |                             |
|--|--|--------------------------|-----------------------------|
| 1.1 Registered name of applicant:  | <input type="text"/>   |                          |                             |
| 1.2 Trading name of applicant:   | <input type="text"/>   |                          |                             |
| 1.3 Identity or Registration number :  | <input type="text"/>   |                          |                             |
| 1.4 Income tax number:   | <input type="text"/>   |                          |                             |
| 1.5 Vat number:  | <input type="text"/>   |                          |                             |
| 1.6 Physical Address:  | <input type="text"/>   |                          |                             |
|  | <input type="text"/>   |                          |                             |
|  | <input type="text"/>   |                          |                             |
|  | <input type="text"/>   |                          |                             |
|  | Postal Code  | <input type="text"/>     |                             |
| 1.7 Postal Address:  | <input type="text"/>   |                          |                             |
| <b><u>(Please note that all correspondence will be mailed to this address)</u></b> | <input type="text"/>   |                          |                             |
|  | <input type="text"/>   |                          |                             |
|  | <input type="text"/>   |                          |                             |
|  | Postal Code  | <input type="text"/>     |                             |
|  | Area Code  | <input type="text"/>     | <input type="text"/>        |
| 1.8 Telephone number:  | <input type="text"/>   | <input type="text"/>     |                             |
| 1.9 Facsimile number :   | <input type="text"/>   | <input 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 type="text"/>   |                          |                             |
| b) Surname:  | <input type="text"/>   |                          |                             |
| c) Identity number:  | <input type="text"/>   |                          |                             |
| d) Position held:  | <input type="text"/>   |                          |                             |
| e) Cellular number:  | <input type="text"/>   |                          |                             |
| f) E-mail address:   | <input type="text"/>   |                          |                             |
| 1.11 Is the applicant a South African person as defined in the Act?                | Yes  | <input type="checkbox"/> | No <input type="checkbox"/> |

## Section 2

## FINANCIAL INFORMATION

2.1 What is your most recent audited, verified or certified Annual Turnover? R

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

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? 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? R

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

2.7 Auditor's / Accounting Officer's details:

a) Company name:

b) First name:

c) Surname:

d) Identity number:

Area Code

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 Tuna (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 Tuna (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  |  |
| 3.1 Was the applicant involved in the Tuna (Longline) fishery experiment?  | Yes <input type="checkbox"/> No <input type="checkbox"/>   |
| 3.2 If "Yes", in what capacity were you involved? <i>(You must tick the most appropriate box(es) below)</i>  |  |
| Permit holder <input type="checkbox"/> Vessel owner <input type="checkbox"/> Processing <input type="checkbox"/><br>Marketing <input type="checkbox"/> Participation at RFMO's <input type="checkbox"/> Other <input type="checkbox"/> |  |
| a) If "Other", the applicant <b>must</b> provide details: _____  |  |
| 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> .   |  |
| 3.3 Were any of the shareholder(s), member(s), trustee(s) or beneficiary(ies) of the applicant involved in the Tuna (Longline) fishery experiment?   |  |
| Yes <input type="checkbox"/> No <input type="checkbox"/>   |  |
| 3.4 If "Yes", the applicant <b>must</b> complete the information required below:<br><i>(You must complete one entry for each declaration)</i>  |  |
| 1  | a) Full name: _____<br>b) In what capacity was the involvement? <i>(You must tick the most appropriate box(es) below)</i><br>Permit holder <input type="checkbox"/> Vessel owner <input type="checkbox"/> Processing <input type="checkbox"/> Marketing <input type="checkbox"/> Other <input type="checkbox"/><br>If "Other", please provide details: _____<br>c) Years involved in the Tuna (Longline) fishery? <input type="text"/> |
| 2  | a) Full name: _____<br>b) In what capacity was the involvement? <i>(You must tick the most appropriate box(es) below)</i><br>Permit holder <input type="checkbox"/> Vessel owner <input type="checkbox"/> Processing <input type="checkbox"/> Marketing <input type="checkbox"/> Other <input type="checkbox"/><br>If "Other", please provide details: _____<br>c) Years involved in the Tuna (Longline) fishery? <input type="text"/> |
| 3  | a) Full name: _____<br>b) In what capacity was the involvement? <i>(You must tick the most appropriate box(es) below)</i><br>Permit holder <input type="checkbox"/> Vessel owner <input type="checkbox"/> Processing <input type="checkbox"/> Marketing <input type="checkbox"/> Other <input type="checkbox"/><br>If "Other", please provide details: _____<br>c) Years involved in the Tuna (Longline) fishery? <input type="text"/> |
| <i>(Should you require space to provide additional declarations you must attach it as Annexure E)</i>  |  |

## 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   | Did you activate your permit? (Y/N) | Total fish landed (Tuna (longline) & Swordfish (MT)) | Total Tuna (longline) landed (MT) | Total Swordfish landed (MT) |
|--------|-------------------------------------|--|-----------------------------------|-----------------------------|
| 1997   |                                     |  |                                   |                             |
| 1998   |                                     |  |                                   |                             |
| 1999   |                                     |  |                                   |                             |
| 2000   |                                     |  |                                   |                             |
| 2001   |                                     |  |                                   |                             |
| 2002   |                                     |  |                                   |                             |
| 2003   |                                     |  |                                   |                             |
| 2004   |                                     |  |                                   |                             |
| Totals |                                     |  |                                   |                             |

b)

| Year | What % of the total fish landed as indicated in the table at (a) was caught in the South African EEZ? | What % of the total Tuna (longline) landed as indicated in the table at (a) was caught in the South African EEZ? | What % of the Swordfish landed as indicated in the table at (a) was caught in the South African EEZ? |
|------|---|--|--|
| 1997 |   |  |  |
| 1998 |   |  |  |
| 1999 |   |  |  |
| 2000 |   |  |  |
| 2001 |   |  |  |
| 2002 |   |  |  |
| 2003 |   |  |  |
| 2004 |   |  |  |

c)

| Year | What % of the total fish landed as indicated in the table at (a) was caught on the High Seas? | What % of the total Tuna (longline) landed as indicated in the table at (a) was caught on the High Seas? | What % of the Swordfish landed as indicated in the table at (a) was caught on the High Seas? |
|------|---|--|--|
| 1997 |   |  |  |
| 1998 |   |  |  |
| 1999 |   |  |  |
| 2000 |   |  |  |
| 2001 |   |  |  |
| 2002 |   |  |  |
| 2003 |   |  |  |
| 2004 |   |  |  |

d)

| Year | Name of the vessel used during the experiment | Flag State | Name of the Vessel owner | Radio Call Sign |
|------|---|------------|--------------------------|-----------------|
| 1997 |   |            |                          |                 |
| 1998 |   |            |                          |                 |
| 1999 |   |            |                          |                 |
| 2000 |   |            |                          |                 |
| 2001 |   |            |                          |                 |
| 2002 |   |            |                          |                 |
| 2003 |   |            |                          |                 |
| 2004 |   |            |                          |                 |

## Section 4: Part 1

**EMPOWERMENT: 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 | HDP (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

**EMPOWERMENT: OWNERSHIP AND MANAGEMENT PROFILE**

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

a)

| Status    | South African |   |        |   | Foreign |   |        |   |
|-----------|---------------|---|--------|---|---------|---|--------|---|
|           | Male          |   | Female |   | Male    |   | Female |   |
|           | Number        | % | Number | % | Number  | % | Number | % |
| Non - HDP |               |   |        |   |         |   |        |   |
| HDP       |               |   |        |   |         |   |        |   |
| TOTALS    |               |   |        |   |         |   |        |   |

b)

| Category | Number | % of Total Ownership |
|----------|--------|----------------------|
| Male     |        |                      |
| Female   |        |                      |
| TOTAL    |        |                      |

c)

| Category | Number | % of Total Ownership |
|----------|--------|----------------------|
| Non-HDP  |        |                      |
| HDP      |        |                      |
| TOTAL    |        |                      |

d)

| Category      | Number | % of Total Ownership |
|---------------|--------|----------------------|
| South African |        |                      |
| Foreign       |        |                      |
| TOTAL         |        |                      |

e)

| Category       | Number | % of Total Ownership |
|----------------|--------|----------------------|
| Natural Person |        |                      |
| Legal Entity   |        |                      |
| TOTAL          |        |                      |

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

a)

| Status    | South African |   |        |   | Foreign |   |        |   |
|-----------|---------------|---|--------|---|---------|---|--------|---|
|           | Male          |   | Female |   | Male    |   | Female |   |
|           | Number        | % | Number | % | Number  | % | Number | % |
| Non - HDP |               |   |        |   |         |   |        |   |
| HDP       |               |   |        |   |         |   |        |   |
| TOTALS    |               |   |        |   |         |   |        |   |

b)

| Category | Number | % of Total Management |
|----------|--------|-----------------------|
| Male     |        |                       |
| Female   |        |                       |
| TOTAL    |        |                       |

c)

| Category | Number | % of Total Management |
|----------|--------|-----------------------|
| Non-HDP  |        |                       |
| HDP      |        |                       |
| TOTAL    |        |                       |

d)

| Category      | Number | % of Total Management |
|---------------|--------|-----------------------|
| South African |        |                       |
| Foreign       |        |                       |
| TOTAL         |        |                       |

e)

| Category                       | Number | % of Total Management |
|--------------------------------|--------|-----------------------|
| Natural Person                 |        |                       |
| Representative of Legal Entity |        |                       |
| TOTAL                          |        |                       |

## Section 4: Part 3

**EMPOWERMENT: EMPLOYMENT INFORMATION OF THE APPLICANT**

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

| Occupational Categories                               | Male    |          |               |       | Female  |          |               |       | Totals |        |
|---|---------|----------|---------------|-------|---------|----------|---------------|-------|--------|--------|
|   | African | Coloured | Asian/ Indian | White | African | Coloured | Asian/ Indian | White | Male   | Female |
| Senior Officials and Managers                         |         |          |               |       |         |          |               |       |        |        |
| Professionals   |         |          |               |       |         |          |               |       |        |        |
| Technicians and associate professionals               |         |          |               |       |         |          |               |       |        |        |
| Clerks  |         |          |               |       |         |          |               |       |        |        |
| Service and sales workers                             |         |          |               |       |         |          |               |       |        |        |
| Fishery workers                                       |         |          |               |       |         |          |               |       |        |        |
| Artisan and related trade workers                     |         |          |               |       |         |          |               |       |        |        |
| Plant and machine operators and assemblers            |         |          |               |       |         |          |               |       |        |        |
| Elementary occupations                                |         |          |               |       |         |          |               |       |        |        |
| Additional/ Seasonal/ Temporary staff (If applicable) |         |          |               |       |         |          |               |       |        |        |
| <b>TOTAL</b>  |         |          |               |       |         |          |               |       |        |        |
| <b>Of whom disabled</b>                               |         |          |               |       |         |          |               |       |        |        |



## Section 4: Part 4

**EMPOWERMENT: 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

**EMPOWERMENT: SKILLS DEVELOPMENT AND SKILLS TRANSFER**

4.12 The applicant **must** provide its SARS Skills Development Levy number:  N/A ☐

a) If "N/A", the applicant **must** state reason(s) as **Annexure J.7**.

4.13 Does the applicant participate in the National Skills Development Strategy? Yes ☐ No ☐

a) If "Yes", the applicant **must** tick the appropriate box(es) below to indicate how. The applicant must also provide the information required under the relevant box(es):

☐ Submitted Workplace Skills Plan ☐

The applicant **must** indicate the date submitted:      
d d m m y y y y

☐ Registered Skills Development Facilitator ☐

Full name of the Skills Development Facilitator

The applicant **must** indicate the date registered:      
d d m m y y y y

☐ Applied for / received Discretionary grant ☐

The applicant **must** provide details as **Annexure J.8**.

☐ Implemented learnerships ☐

The applicant **must** provide details as **Annexure J.8**.

Registration number:

☐ Implemented skills programmes ☐

The applicant **must** provide details as **Annexure J.8**.

☐ Taken part in any SETA projects ☐

The applicant **must** provide details as **Annexure J.8**.

b) If "No", the applicant **must** state reason(s) why it does not participate in the NSDS as **Annexure J.9**.

4.14 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 ☐ No ☐

5.2 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 interest(s) held by the applicant you **must** attach it as **Annexure K**)*

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 ☐ No ☐

5.4 If "Yes", the applicant **must** attach the information as required by (5.2) above, as **Annexure K**.

| Section 6  |   |
|--|---|
| DECLARATION OF INTEREST HELD IN OTHER FISHING RIGHTS   |   |
| 6.1 Does the shareholder(s), member(s), trustee(s) or beneficiary(les) 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: 80%;" type="text"/><br>b) Name of right holder: <input style="width: 80%;" type="text"/><br>c) Details of actual allocation granted (TAC or TAE): <input style="width: 80%;" type="text"/><br>d) What % of the right is held by the applicant? <input style="width: 10%;" type="text"/> %<br>(e) Indicate the vessel(s) that is utilised: <input style="width: 80%;" type="text"/> |
| 2  | a) Sector in which right is held? <input style="width: 80%;" type="text"/><br>b) Name of right holder: <input style="width: 80%;" type="text"/><br>c) Details of actual allocation granted (TAC or TAE): <input style="width: 80%;" type="text"/><br>d) What % of the right is held by the applicant? <input style="width: 10%;" type="text"/> %<br>(e) Indicate the vessel(s) that is utilised: <input style="width: 80%;" type="text"/> |
| 3  | a) Sector in which right is held? <input style="width: 80%;" type="text"/><br>b) Name of right holder: <input style="width: 80%;" type="text"/><br>c) Details of actual allocation granted (TAC or TAE): <input style="width: 80%;" type="text"/><br>d) What % of the right is held by the applicant? <input style="width: 10%;" type="text"/> %<br>(e) Indicate the vessel(s) that is utilised: <input style="width: 80%;" type="text"/> |
| 4  | a) Sector in which right is held? <input style="width: 80%;" type="text"/><br>b) Name of right holder: <input style="width: 80%;" type="text"/><br>c) Details of actual allocation granted (TAC or TAE): <input style="width: 80%;" type="text"/><br>d) What % of the right is held by the applicant? <input style="width: 10%;" type="text"/> %<br>(e) Indicate the vessel(s) that is utilised: <input style="width: 80%;" 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 &amp; GEAR INFORMATION

7.1 Name of vessel to be used to harvest Tuna (Longline):

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 fish landed (Tuna & Swordfish (Longline)) (MT) | Total Tuna (Longline) landed (MT) | Total Swordfish (Longline) landed (MT) |
|---------------|--|-----------------------------------|--|
| 1997          |  |                                   |  |
| 1998          |  |                                   |  |
| 1999          |  |                                   |  |
| 2000          |  |                                   |  |
| 2001          |  |                                   |  |
| 2002          |  |                                   |  |
| 2003          |  |                                   |  |
| 2004          |  |                                   |  |
| <b>Totals</b> |  |                                   |  |

7.4 Was the vessel used in the Tuna (Longline) experiment?

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 ☐

7.7 If the vessel is currently foreign flagged the following information, documentation and written undertakings must be provided:

a) Flag state:

b) Is the Flag state a Contracting Party to ICCAT?

Yes ☐

No ☐

b) Is the Flag state a Contracting Party to IOTC?

Yes ☐

No ☐

b) Is the Flag state a Contracting Party to CCSBT?

Yes ☐

No ☐

c) Has a SAMSA pre-registration survey (SAMSA Marine Circular No. 8 of 2003) been done?

Yes ☐

No ☐

d) The applicant **must** attach a written undertaking from the owners and operators of the nominated vessel that the vessel will be reflagged as South African within 12 months of the right being granted (if granted) as **Annexure P**.

e) The applicant **must** attach written authorisation from the flag state that all catches of large pelagics, whether harvested in the South African EEZ or on the high seas, will accrue to South Africa as **Annexure Q**.

f) The applicant **must** 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 right and use of the vessel to harvest Tuna (longline) as **Annexure R**.

## 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 South Africa:

 days months



## 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?

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| y                    | y                    | y                    |
| m                    | m                    | 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 U2**.
- 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 1999-2004:

| 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 (Longline) and Swordfish: Tuna (Longline)  % 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 Shark (longline) the following issue of adaptability **must** be specifically addressed for the following:
  - i) Vessel efficiency
  - ii) Targeting of species
  - iv) Envisaged seasonal shift of species
  - iii) Whether harvesting will only take place within the South African EEZ
- 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:   | <input style="width: 90%;" type="text"/>  |
| 9.2 FPE details:   |   |
| a) Name of owner:  | <input style="width: 90%;" type="text"/>  |
| b) Identity/ Registration number:  | <input style="width: 90%;" type="text"/>  |
| c) Physical address:   | <input style="width: 90%;" type="text"/><br><input style="width: 90%;" type="text"/><br><input style="width: 90%;" type="text"/><br><div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 100px;" type="text"/></div> |
| d) Postal address:   | <input style="width: 90%;" type="text"/><br><input style="width: 90%;" type="text"/><br><input style="width: 90%;" type="text"/><br><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: 90%;" type="text"/>  |
| Identity number:   | <input style="width: 90%;" type="text"/><br><div style="text-align: center; margin-top: 5px;">Area Code</div>   |
| Telephone number:  | <input style="width: 45%;" type="text"/> <input style="width: 45%;" type="text"/>   |
| Facsimile number:  | <input style="width: 45%;" type="text"/> <input style="width: 45%;" type="text"/>   |
| Cellular number:   | <input style="width: 90%;" type="text"/>  |
| E-mail address:  | <input style="width: 90%;" 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%;" type="text"/><br><input style="width: 95%;" type="text"/><br><input style="width: 95%;" type="text"/><br><div style="text-align: right; margin-top: 5px;">Postal Code <input style="width: 150px;" type="text"/></div> |
| d) Postal address  | <input style="width: 95%;" type="text"/><br><input style="width: 95%;" type="text"/><br><input style="width: 95%;" type="text"/><br><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"/>  |
| 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 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 the marketing plan:               <div style="margin-top: 10px;">                 (i) Current Markets    (ii) Anticipated Markets    (iii) Previous marketing experience and knowledge of the fishery               </div> </li> </ul> |   |

| Section 11  |  |
|---|--|
| COMPLIANCE  |  |
| <p><b>Note:</b> Should you fail to answer this section, it will be presumed that the answers to 11.1, 11.3 and 11.5 are in the affirmative</p>  |  |
| <p>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?</p>  | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>  |
| <p>11.2 If "Yes", the applicant <b>must</b> declare all such conviction(s), guilty pleadings or revocation(s)/ cancellation(s)/ suspension(s) below:</p> <p><i>(You must complete one entry for each declaration. If the answer is "No" to 11.1, then mark this part as "Not Applicable")</i></p>   |  |
| <p>a) Provide a brief description of the conviction, guilty pleading or revocation/ cancellation/ suspension in the space provided below:</p>   | <p>b) Date of conviction, guilty pleadings or revocation/ cancellation/ suspension</p> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div> <p style="font-size: small; margin-top: 5px;">y y y y m m d d</p> |
| <div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <p>c) Indicate the nature of the sanction that was imposed:</p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div>  |  |
| <p>2</p> <p>a) Provide a brief description of the conviction, guilty pleading or revocation/ cancellation/ suspension in the space provided below:</p>  | <p>b) Date of conviction, guilty pleadings or revocation/ cancellation/ suspension</p> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div> <p style="font-size: small; margin-top: 5px;">y y y y m m d d</p> |
| <div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <p>c) Indicate the nature of the sanction that was imposed:</p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div>  |  |
| <p><b>(Should you require space to provide additional non-compliance declarations you must attach it as <u>Annexure Y</u>)</b></p>  |  |
| <p>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?</p>  |  |
| <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>   |  |
| <p>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>.</p>   |  |
| <p>11.5 Is the nominated vessel currently or has it ever been placed on any RFMO's negative list?</p>   |  |
| <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>   |  |
| <p>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:</p>  |  |
| <div style="display: flex; flex-wrap: wrap;"> <div 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> </div> <div 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> </div> </div> |  |



## 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                  |                       |

| Section 12                |  |                    |                       |
|---------------------------|--|--------------------|-----------------------|
| ANNEXURE PAGE [CONTINUED] |  |                    |                       |
| 12.1 continued            |  |                    |                       |
| No.                       | Description of Annexure  | Annexure reference | Attached (Y/N or n/a) |
| 29                        | Experimental Tuna (Longline) fishing 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 \_\_\_\_\_ 2004

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

**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 \_\_\_\_\_

f) Telephone number: \_\_\_\_\_ Area Code \_\_\_\_\_

g) Facsimile number: \_\_\_\_\_ h) Cellular number: \_\_\_\_\_

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

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

This \_\_\_\_\_ day of \_\_\_\_\_ 2004

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 \_\_\_\_\_



## **ANNEXURE C**

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: 2004 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



### Instructions to Applicants: You must read these carefully

1. Before completing this application form, you must read the Policy for the Management of and Allocation of Commercial Fishing Rights in the Large Pelagics Fishery: 2004. This Policy is available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, and is available on the Department's website – [www.deat.gov.za](http://www.deat.gov.za). This Policy forms part of this application form and will be used by the Minister and/or his delegate during the process of evaluating applications for commercial large pelagic fishing rights.
2. You must fill in this application form as required and attach all annexures in the form and order instructed in the application form. The application form must not be separated or re-ordered in any way. All annexures must be included in order and attached to the back of the application form.
3. This application form must be completed in English only. Should you have any difficulties in understanding any part or any question in this application form, then you are welcome to call the toll-free number listed below for advice and support.
4. You must complete the application form applicable to the fish species you intend to target (ie either Tuna or Swordfish). You may not apply for both Tuna and Swordfish directed rights on the same application form. **Should you apply for both Tuna and Swordfish directed rights on the same application form, then your application will be refused.**
5. The application forms are laid out in terms of a specific format to aid evaluation and decision-making. You may not submit an application in any format other than on this application form. **Should you submit an application on a form other than the stipulated (official) application form, then your application will be refused.**
6. It is your responsibility to ensure that all pages of this application form are properly completed and all the required documents and annexures are provided. Failure to provide all applicable documents and annexures could result in the application being adversely considered.
7. Every applicant must attach to their respective application forms the annexures required by the application form. Each annexure must be marked as required by the application form.
8. Every applicant must submit 1 (one) original application form and 1 (one) copy, inclusive of all annexures, of the original application form, which is certified by a South African Commissioner of Oaths to be a true copy of the original application form. **Should you fail to provide 1 (one) copy of the original application form, then your application will be refused.**
9. Each applicant may only lodge one application form for the targeting of a particular species of large pelagics (ie. an applicant may only lodge one application form for the targeting of tuna using a longline, for example). Applicants may however lodge application forms for both a right to target swordfish and a right to target tuna. Should an applicant lodge more than one application form for the targeting of a particular species, and these are received by the Department at approximately the same time (ie on the same day), then both application forms will be refused. Should an applicant lodge an Application Form and thereafter (but before the closing date) lodge a second or further Application Form, then the second or further Application Form will be the application considered, provided it meets the various other peremptory and essential requirements. The initial or first Application Form will not be considered and removed from the process of evaluation.
10. All documents attached as annexures to the application form must be true and certified copies the original documents.
11. If a section in the application form does not apply to you, then you need not fill it in but you are requested to mark it as being "Not Applicable".
12. The application form must be lodged with the Department in only one of the following two ways:
  - a. By hand; or
  - b. By registered mail.
13. Should you decide to post the application form, then you must:
  - Post it by registered mail to -

THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM  
LARGE PELAGIC COMMERCIAL RIGHT APPLICATION  
PO BOX 23553  
CLAREMONT  
7735

- Post it to reach the above address by not later than 17h00 on 17 September 2004. You may commence with the mailing of applications with effect from 01 September 2004; and

- Attach to the original proof of payment of the application fee of R6700. This proof must either be a deposit slip or bank validated electronic transfer receipt. A copy of either the deposit slip or bank validated electronic transfer receipt should also be attached to the copy.

**Should you fail to post your application as required, then your application will be refused.**

14. Should you decide to hand deliver your application, then you must:

- Hand deliver your application to -

**THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM: BRANCH  
MARINE AND COASTAL MANAGEMENT  
2<sup>nd</sup> FLOOR, FORETRUST BUILDING, MARTIN HAMMERSCHLAG WAY  
FORESHORE  
CAPE TOWN**

- Hand deliver your application by no later than 17h00 on 17 September 2004. Application receipting will commence at 09h00 on 17 September 2004 at the above venue; and
  - Attach the original proof of payment of the application fee of R6700. This proof must either be a deposit slip or bank validated electronic transfer receipt. A copy of either the deposit slip or bank validated electronic transfer receipt should also be attached to the copy.
15. You may not fax or email an application form. Should you submit your application in any form or a manner not provided for above, **then your application will be refused.**
16. You must pay the full application fee of R6700 (six thousand seven hundred rand) into the following account by not later than 17h00 on 17 November 2003:

|                         |                              |
|-------------------------|------------------------------|
| Name of Account Holder: | Marine Living Resources Fund |
| Bank:                   | ABSA, Heerengracht           |
| Account Number:         | 4059338062                   |
| Branch Code:            | 506009                       |

17. You must pay the full application fee of R6700 before the closing date of 17h00 on 17 November 2003. You may pay the application fee at any ABSA Bank branch from 01 September 2004 until 17 September 2004. ABSA Bank's working hours are from 08h30 to 15h30 Monday to Friday and 08h00 to 11h00 on Saturdays. **If you do not pay your application fee as required, then your application will be refused.**
18. **Application fees are not refundable.**
19. If you furnish any information that is not true, complete or correct, then your application may be refused, or, if a right is granted it may be revoked or suspended. Information is not true if you provide false or misleading information or documentation, or if you fail to disclose material information.
20. Information submitted may be verified. By signing this application form, you authorise any institution, organ of state, person or body, who possesses or acquires any information concerning or related to the information in your application, to disclose or make available such information to the Minister, his delegate, the Rights Verification Unit of the Department or a duly authorised official of the Department of Environmental Affairs and Tourism.
21. **This application form must be signed by the applicant in the presence a Commissioner of Oaths.** If this application is prepared or compiled by, in consultation with, or on the advice of, any person other than the applicant, its employees, members, trustees or directors, then Section 14 of the application form must be completed by the Third Party, signed by the Third Party, and the Third Party's signature must be commissioned by a Commissioner of Oaths. **If you do not comply with the requirements of sections 13 and 14 of the application form, then your application will be refused.**
- ATTENTION COMMISSIONERS OF OATHS:** When commissioning Section 13 and Section 14 (when applicable) of this application form, you are commissioning that the signatory understands the oath taken or affirmation made in Sections 13 or 14. Commissioning is not certification that the copy is a true copy of the original. Certification of the copy as being a true copy of the original is a separate and different process. Further, you must commission the applicant's and third party's signatures strictly as is required in terms of GN Regulation 1258 of 21 July 1972.
22. Should you require any help in completing this application form or should you not understand any of the requirements or any other matter, then you are most welcome to call the Department's toll-free helpline at any time Monday to Friday from 09h00 to 16h00. The toll-free line will be available from 24 March 2004 until 15h30 on 15 September 2004. The number is -

**0861 – PELAGIC  
(0861 – 7352442)**

**In the case of inconsistency between these instructions and the instructions contained in the Government Notice, then the instructions contained in the Government Notice will prevail.**





## Section 2

## FINANCIAL INFORMATION

2.1 What is your most recent audited, verified or certified Annual Turnover? R

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

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? 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? R

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

2.7 Auditor's / Accounting Officer's details:

a) Company name:

b) First name:

c) Surname:

d) Identity number:

Area Code

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  |  |
| 3.1 Was the applicant involved in the Tuna (Longline) fishery experiment?  | Yes <input type="checkbox"/> No <input type="checkbox"/>   |
| 3.2 If "Yes", in what capacity were you involved? <b>(You must tick the most appropriate box(es) below)</b>  |  |
| 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"/>  |
| a) If "Other", the applicant <b>must</b> provide details: _____  |  |
| 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> . |  |
| 3.3 Were any of the shareholder(s), member(s), trustee(s) or beneficiary(ies) of the applicant involved in the Tuna (Longline) fishery experiment?           |  |
| Yes <input type="checkbox"/> No <input type="checkbox"/>   |  |
| 3.4 If "Yes", the applicant <b>must</b> complete the information required below:<br><b>(You must complete one entry for each declaration)</b>                |  |
| 1  | a) Full name: <input style="width: 80%;" type="text"/><br>b) In what capacity was the involvement? <b>(You must tick the most appropriate box(es) below)</b><br>Permit holder <input type="checkbox"/> Vessel owner <input type="checkbox"/> Processing <input type="checkbox"/> Marketing <input type="checkbox"/> Other <input type="checkbox"/><br>If "Other", please provide details: _____<br>c) Years involved in the Tuna (Longline) fishery? <input style="width: 50px;" type="text"/> |
| 2  | a) Full name: <input style="width: 80%;" type="text"/><br>b) In what capacity was the involvement? <b>(You must tick the most appropriate box(es) below)</b><br>Permit holder <input type="checkbox"/> Vessel owner <input type="checkbox"/> Processing <input type="checkbox"/> Marketing <input type="checkbox"/> Other <input type="checkbox"/><br>If "Other", please provide details: _____<br>c) Years involved in the Tuna (Longline) fishery? <input style="width: 50px;" type="text"/> |
| 3  | a) Full name: <input style="width: 80%;" type="text"/><br>b) In what capacity was the involvement? <b>(You must tick the most appropriate box(es) below)</b><br>Permit holder <input type="checkbox"/> Vessel owner <input type="checkbox"/> Processing <input type="checkbox"/> Marketing <input type="checkbox"/> Other <input type="checkbox"/><br>If "Other", please provide details: _____<br>c) Years involved in the Tuna (Longline) fishery? <input style="width: 50px;" type="text"/> |
| (Should you require space to provide additional declarations you must attach it as <b>Annexure F</b> )   |  |

## 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   | Did you activate your permit? (Y/N) | Total fish landed (Tuna (longline) & Swordfish (MT)) | Total Tuna (longline) landed (MT) | Total Swordfish landed (MT) |
|--------|-------------------------------------|--|-----------------------------------|-----------------------------|
| 1997   |                                     |  |                                   |                             |
| 1998   |                                     |  |                                   |                             |
| 1999   |                                     |  |                                   |                             |
| 2000   |                                     |  |                                   |                             |
| 2001   |                                     |  |                                   |                             |
| 2002   |                                     |  |                                   |                             |
| 2003   |                                     |  |                                   |                             |
| 2004   |                                     |  |                                   |                             |
| Totals |                                     |  |                                   |                             |

b)

| Year | What % of the total fish landed as indicated in the table at (a) was caught in the South African EEZ? | What % of the total Tuna (longline) landed as indicated in the table at (a) was caught in the South African EEZ? | What % of the Swordfish landed as indicated in the table at (a) was caught in the South African EEZ? |
|------|---|--|--|
| 1997 |   |  |  |
| 1998 |   |  |  |
| 1999 |   |  |  |
| 2000 |   |  |  |
| 2001 |   |  |  |
| 2002 |   |  |  |
| 2003 |   |  |  |
| 2004 |   |  |  |

c)

| Year | What % of the total fish landed as indicated in the table at (a) was caught on the High Seas? | What % of the total Tuna (longline) landed as indicated in the table at (a) was caught on the High Seas? | What % of the Swordfish landed as indicated in the table at (a) was caught on the High Seas? |
|------|---|--|--|
| 1997 |   |  |  |
| 1998 |   |  |  |
| 1999 |   |  |  |
| 2000 |   |  |  |
| 2001 |   |  |  |
| 2002 |   |  |  |
| 2003 |   |  |  |
| 2004 |   |  |  |

d)

| Year | Name of the vessel used during the experiment | Flag State | Name of the Vessel owner | Radio Call Sign |
|------|---|------------|--------------------------|-----------------|
| 1997 |   |            |                          |                 |
| 1998 |   |            |                          |                 |
| 1999 |   |            |                          |                 |
| 2000 |   |            |                          |                 |
| 2001 |   |            |                          |                 |
| 2002 |   |            |                          |                 |
| 2003 |   |            |                          |                 |
| 2004 |   |            |                          |                 |

## Section 4: Part 1

**EMPOWERMENT: 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 | HDP (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

**EMPOWERMENT: OWNERSHIP AND MANAGEMENT PROFILE**

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

a)

| Status    | South African |   |        |   | Foreign |   |        |   |
|-----------|---------------|---|--------|---|---------|---|--------|---|
|           | Male          |   | Female |   | Male    |   | Female |   |
|           | Number        | % | Number | % | Number  | % | Number | % |
| Non - HDP |               |   |        |   |         |   |        |   |
| HDP       |               |   |        |   |         |   |        |   |
| TOTALS    |               |   |        |   |         |   |        |   |

b)

| Category | Number | % of Total Ownership |
|----------|--------|----------------------|
| Male     |        |                      |
| Female   |        |                      |
| TOTAL    |        |                      |

c)

| Category | Number | % of Total Ownership |
|----------|--------|----------------------|
| Non-HDP  |        |                      |
| HDP      |        |                      |
| TOTAL    |        |                      |

d)

| Category      | Number | % of Total Ownership |
|---------------|--------|----------------------|
| South African |        |                      |
| Foreign       |        |                      |
| TOTAL         |        |                      |

e)

| Category       | Number | % of Total Ownership |
|----------------|--------|----------------------|
| Natural Person |        |                      |
| Legal Entity   |        |                      |
| TOTAL          |        |                      |

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

a)

| Status    | South African |   |        |   | Foreign |   |        |   |
|-----------|---------------|---|--------|---|---------|---|--------|---|
|           | Male          |   | Female |   | Male    |   | Female |   |
|           | Number        | % | Number | % | Number  | % | Number | % |
| Non - HDP |               |   |        |   |         |   |        |   |
| HDP       |               |   |        |   |         |   |        |   |
| TOTALS    |               |   |        |   |         |   |        |   |

b)

| Category | Number | % of Total Management |
|----------|--------|-----------------------|
| Male     |        |                       |
| Female   |        |                       |
| TOTAL    |        |                       |

c)

| Category | Number | % of Total Management |
|----------|--------|-----------------------|
| Non-HDP  |        |                       |
| HDP      |        |                       |
| TOTAL    |        |                       |

d)

| Category      | Number | % of Total Management |
|---------------|--------|-----------------------|
| South African |        |                       |
| Foreign       |        |                       |
| TOTAL         |        |                       |

e)

| Category                       | Number | % of Total Management |
|--------------------------------|--------|-----------------------|
| Natural Person                 |        |                       |
| Representative of Legal Entity |        |                       |
| TOTAL                          |        |                       |

## Section 4: Part 3

**EMPOWERMENT: EMPLOYMENT INFORMATION OF THE APPLICANT**

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

| Occupational Categories                               | Male    |          |               |       | Female  |          |               |       | Totals |        |
|---|---------|----------|---------------|-------|---------|----------|---------------|-------|--------|--------|
|   | African | Coloured | Asian/ Indian | White | African | Coloured | Asian/ Indian | White | Male   | Female |
| Senior Officials and Managers                         |         |          |               |       |         |          |               |       |        |        |
| Professionals   |         |          |               |       |         |          |               |       |        |        |
| Technicians and associate professionals               |         |          |               |       |         |          |               |       |        |        |
| Clerks  |         |          |               |       |         |          |               |       |        |        |
| Service and sales workers                             |         |          |               |       |         |          |               |       |        |        |
| Fishery workers                                       |         |          |               |       |         |          |               |       |        |        |
| Artisan and related trade workers                     |         |          |               |       |         |          |               |       |        |        |
| Plant and machine operators and assemblers            |         |          |               |       |         |          |               |       |        |        |
| Elementary occupations                                |         |          |               |       |         |          |               |       |        |        |
| Additional/ Seasonal/ Temporary staff (If applicable) |         |          |               |       |         |          |               |       |        |        |
| <b>TOTAL</b>  |         |          |               |       |         |          |               |       |        |        |
| <b>Of whom disabled</b>                               |         |          |               |       |         |          |               |       |        |        |



## Section 4: Part 4

**EMPOWERMENT: 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

**EMPOWERMENT: SKILLS DEVELOPMENT AND SKILLS TRANSFER**

4.12 The applicant **must** provide its SARS Skills Development Levy number:  L  N/A ☐

a) If "N/A", the applicant **must** state reason(s) as **Annexure J.7**.

4.13 Does the applicant participate in the National Skills Development Strategy? Yes ☐ No ☐

a) If "Yes", the applicant **must** tick the appropriate box(es) below to indicate how. The applicant must also provide the information required under the relevant box(es):

☐ Submitted Workplace Skills Plan ☐

The applicant **must** indicate the date submitted:      
d d m m y y y y

☐ Registered Skills Development Facilitator ☐

Full name of the Skills Development Facilitator

The applicant **must** indicate the date registered:      
d d m m y y y y

☐ Applied for / received Discretionary grant ☐

The applicant **must** provide details as **Annexure J.8**.

☐ Implemented learnerships ☐

The applicant **must** provide details as **Annexure J.8**.

Registration number:

☐ Implemented skills programmes ☐

The applicant **must** provide details as **Annexure J.8**.

☐ Taken part in any SETA projects ☐

The applicant **must** provide details as **Annexure J.8**.

b) If "No", the applicant **must** state reason(s) why it does not participate in the NSDS as **Annexure J.9**.

4.14 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: <i>(You <b>must</b> complete one entry for each declaration)</i>   |   |
| 1   | a) Sector in which right is held? <input style="width: 100%;" type="text"/><br>b) Name of right holder: <input style="width: 100%;" type="text"/><br>c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/><br>d) What % of the right is held by the applicant? <input style="width: 100px;" type="text"/> %<br>(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"/><br>b) Name of right holder: <input style="width: 100%;" type="text"/><br>c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/><br>d) What % of the right is held by the applicant? <input style="width: 100px;" type="text"/> %<br>(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"/><br>b) Name of right holder: <input style="width: 100%;" type="text"/><br>c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/><br>d) What % of the right is held by the applicant? <input style="width: 100px;" type="text"/> %<br>(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"/><br>b) Name of right holder: <input style="width: 100%;" type="text"/><br>c) Details of actual allocation granted (TAC or TAE): <input style="width: 100%;" type="text"/><br>d) What % of the right is held by the applicant? <input style="width: 100px;" type="text"/> %<br>(e) Indicate the vessel(s) that is utilised: <input style="width: 100%;" type="text"/> |
| <i>(Should you require space to provide additional interest(s) held by the applicant you <b>must</b> attach it as <b>Annexure K</b>)</i>  |   |
| 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)

a) Sector in which right is held? b) Name of right holder: 1 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: a) Sector in which right is held? b) Name of right holder: 2 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: a) Sector in which right is held? b) Name of right holder: 3 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: a) Sector in which right is held? b) Name of right holder: 4 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 &amp; GEAR INFORMATION

7.1 Name of vessel to be used to harvest  
Swordfish (Longline):

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 fish landed (Tuna & Swordfish (Longline)) (MT) | Total Tuna (Longline) landed (MT) | Total Swordfish (Longline) landed (MT) |
|---------------|--|-----------------------------------|--|
| 1997          |  |                                   |  |
| 1998          |  |                                   |  |
| 1999          |  |                                   |  |
| 2000          |  |                                   |  |
| 2001          |  |                                   |  |
| 2002          |  |                                   |  |
| 2003          |  |                                   |  |
| 2004          |  |                                   |  |
| <b>Totals</b> |  |                                   |  |

7.4 Was the vessel used in the Tuna (Longline) experiment?

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 ☐

7.7 If the vessel is currently foreign flagged the following information, documentation and written undertakings must be provided:

a) Flag state:

b) Is the Flag state a Contracting Party to ICCAT?

Yes ☐

No ☐

b) Is the Flag state a Contracting Party to IOTC?

Yes ☐

No ☐

b) Is the Flag state a Contracting Party to CCSBT?

Yes ☐

No ☐

c) Has a SAMSA pre-registration survey (SAMSA Marine Circular No. 8 of 2003) been done?

Yes ☐

No ☐

d) The applicant **must** attach a written undertaking from the owners and operators of the nominated vessel that the vessel will be reflagged as South African within 12 months of the right being granted (if granted) as **Annexure P**.

e) The applicant **must** attach written authorisation from the flag state that all catches of large pelagics, whether harvested in the South African EEZ or on the high seas, will accrue to South Africa as **Annexure Q**.

f) The applicant **must** 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 right and use of the vessel to harvest Swordfish (longline) as **Annexure R**.

## 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 South Africa:

days  months

## 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 U2.
  - 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 1999-2004:

| 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 (Longline) and Swordfish: Tuna (Longline)  % 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 Shark (longline) the following issue of adaptability **must** be specifically addressed for the following:
  - i) Vessel efficiency
  - ii) Targeting of species
  - iv) Envisaged seasonal shift of species
- Anticipated number of days fishing.
- How you intend adding value.
- The type of bird mitigation devices that will be utilised.
- iii) Whether harvesting will only take place within the South African EEZ

## 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**.

| 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%;" type="text"/><br><input style="width: 95%;" type="text"/><br><input style="width: 95%;" type="text"/><br><div style="display: flex; justify-content: flex-end; align-items: center;"> Postal Code <input style="width: 100px;" type="text"/> </div> |
| d) Postal address   | <input style="width: 95%;" type="text"/><br><input style="width: 95%;" type="text"/><br><input style="width: 95%;" type="text"/><br><div style="display: flex; justify-content: flex-end; align-items: center;"> 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"/>   |
|   | Area Code  |
| Telephone number  | <input style="width: 45%;" type="text"/> <input style="width: 45%;" type="text"/>  |
| 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: 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><u>Annexure X2</u></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><u>Annexure X3</u></b>.</li> <li>• Certified copies of the identity documents for all shareholders, members, trustees or beneficiaries, if natural persons as <b><u>Annexure X4</u></b>.</li> <li>• The applicant <b>must</b> provide a marketing plan describing in detail the intended marketing operations as <b><u>Annexure X5</u></b>. The following issues must at minimum be addressed in the 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  |  |     |  |  |  |       |     |     |  |
|---|--|-----|--|--|--|-------|-----|-----|--|
| COMPLIANCE  |  |     |  |  |  |       |     |     |  |
| <b>Note:</b> Should you fail to answer this section, it will be presumed that the answers to 11.1, 11.3 and 11.5 are in the affirmative   |  |     |  |  |  |       |     |     |  |
| <p>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"/></p> <p>11.2 If "Yes", the applicant <b>must</b> declare all such conviction(s), guilty pleadings or revocation(s)/ cancellation(s)/ suspension(s) below:<br/> <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></p> |  |     |  |  |  |       |     |     |  |
| <p>a) Provide a brief description of the conviction, guilty pleading or revocation/ cancellation/ suspension in the space provided below:</p> <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>   | <p>b) Date of conviction, guilty pleadings or revocation/ cancellation/ suspension</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">y y y</td> <td style="text-align: center;">m m</td> <td style="text-align: center;">d d</td> <td></td> </tr> </table> |     |  |  |  | y y y | m m | d d |  |
|   |  |     |  |  |  |       |     |     |  |
| y y y   | m m  | d d |  |  |  |       |     |     |  |
| <p>c) Indicate the nature of the sanction that was imposed:</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>   |  |     |  |  |  |       |     |     |  |
| <p>a) Provide a brief description of the conviction, guilty pleading or revocation/ cancellation/ suspension in the space provided below:</p> <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>   | <p>b) Date of conviction, guilty pleadings or revocation/ cancellation/ suspension</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">y y y</td> <td style="text-align: center;">m m</td> <td style="text-align: center;">d d</td> <td></td> </tr> </table> |     |  |  |  | y y y | m m | d d |  |
|   |  |     |  |  |  |       |     |     |  |
| y y y   | m m  | d d |  |  |  |       |     |     |  |
| <p>c) Indicate the nature of the sanction that was imposed:</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>   |  |     |  |  |  |       |     |     |  |
| <p><b>(Should you require space to provide additional non-compliance declarations you must attach it as <u>Annexure Y</u>)</b></p>  |  |     |  |  |  |       |     |     |  |
| <p>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"/></p>   |  |     |  |  |  |       |     |     |  |
| <p>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 <u>Annexure Z1</u>.</p>  |  |     |  |  |  |       |     |     |  |
| <p>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"/></p>  |  |     |  |  |  |       |     |     |  |
| <p>11.6 If "Yes", the applicant must provide details regarding the negative listing as <u>Annexure Z2</u>. The following details must at minimum be provided:</p> <ul style="list-style-type: none"> <li>• On which RFMO negative list does it/ has it appeared on?</li> <li>• The reason(s) for the negative listing.</li> <li>• Date and duration of 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                  |                       |



## Section 12

## ANNEXURE PAGE [CONTINUED]

12.1 continued

| No. | Description of Annexure  | Annexure reference | Attached (Y/N or n/a) |
|-----|--|--------------------|-----------------------|
| 29  | Experimental Tuna (Longline) fishing 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 \_\_\_\_\_ 2004

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

## 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: 

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d) ID number/ Registration number: \_\_\_\_\_

e) Registered business address:

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| Postal Code |  |
|-------------|--|

f) Telephone number :  Area Code

g) Facsimile number:   h) Cellular number:

j) If "Yes", please provide details:

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

This \_\_\_\_\_ day of \_\_\_\_\_, 2004

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 \_\_\_\_\_

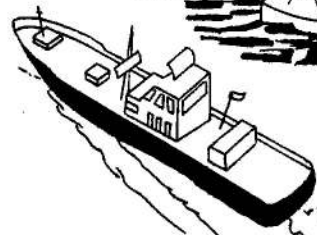
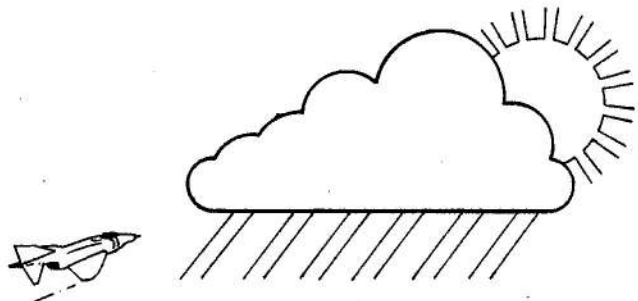
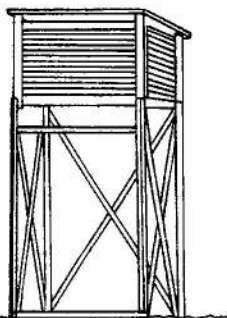
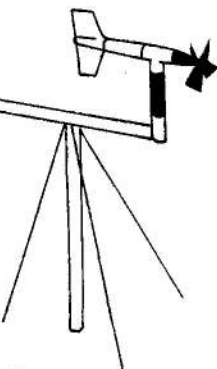
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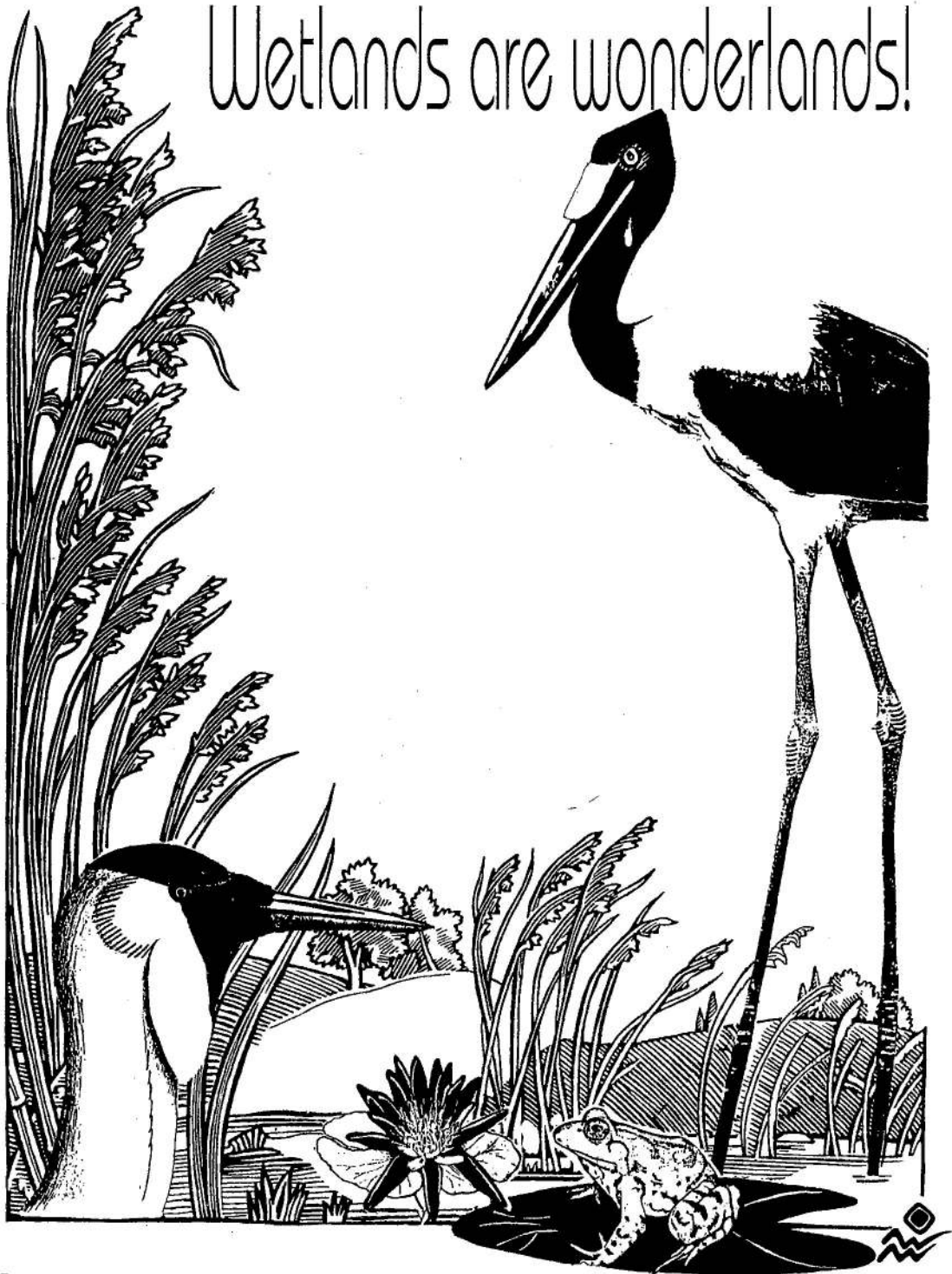
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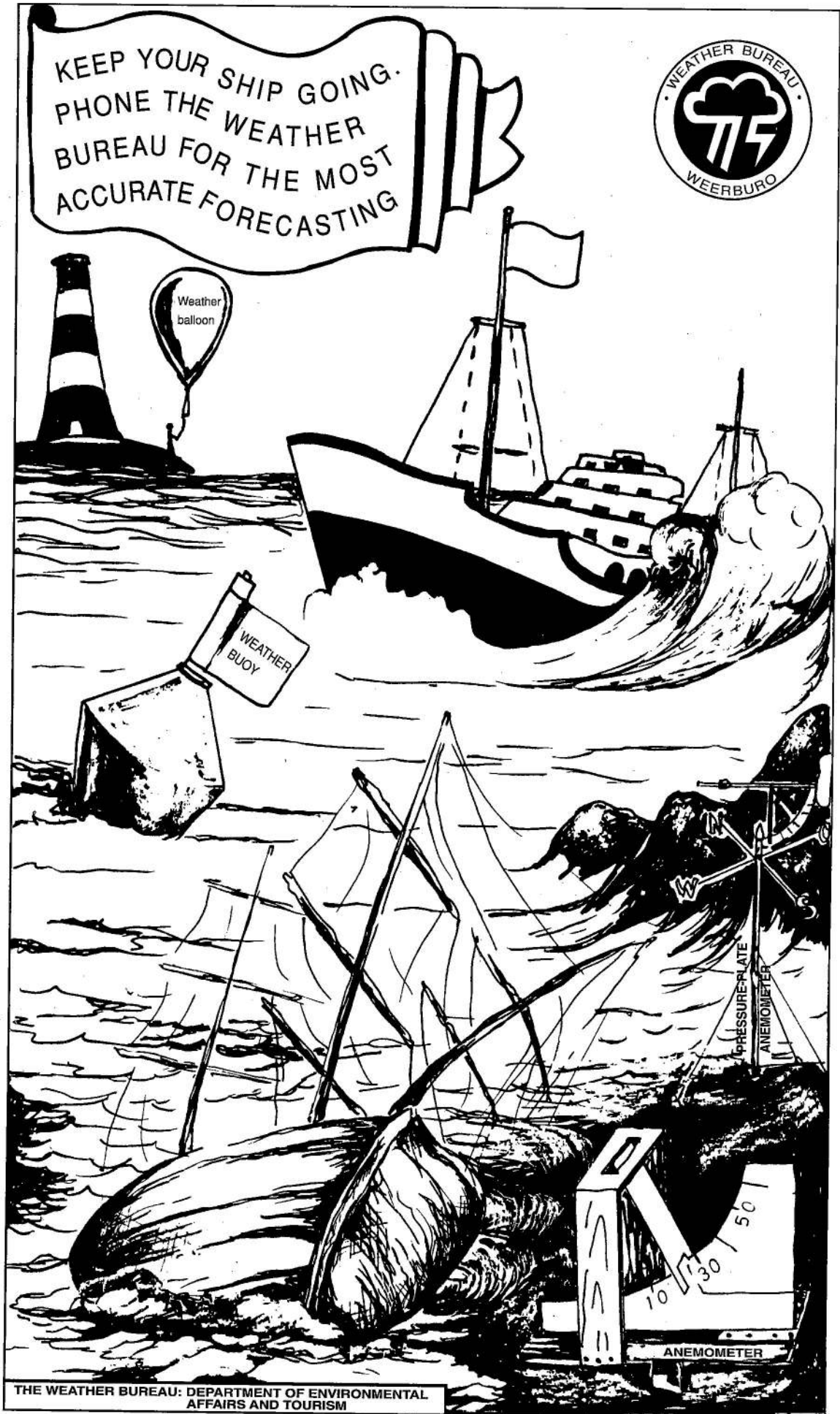
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