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Minister

# REPUBLIC OF PALAU

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**MNRET Serial No. 2059/20**

September 30, 2020

H.E. Tommy E. Remengesau, Jr.  
President  
Republic of Palau

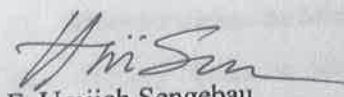
**Subject: Transmittal of Regulations Governing Transshipment at Port**

Dear Mr. President,

Greetings and salutations and I hope this letter finds you well. I am pleased to submit for your review and subsequent endorsement, should you approve, regulations promulgated as set forth in 6 PNC 125-127 for transshipment at port.

As you know, the purpose of these regulations is to allow fishing vessels to utilize the Republic's ports in a manner that will generate economic activity and promote the Republic's food security. I am prepared to answer any questions you may have pertaining to these regulations.

Most Respectfully,

  
F. Umiich Sengebau  
Minister

*Attachment*

# REGULATIONS GOVERNING TRANSSHIPMENT AT PORT

## Section 1: General Provisions

### 1.1 Long and Short Title.

The long title of these Regulations is the “Regulations Governing Transshipment at Port;” the short title of these Regulations is the “Transshipment Regulations.” Throughout this document, they are referred to as “Regulations.”

### 1.2 Authority.

Pursuant to RPPL 10-57, which amends Sections 1406 and 1407 of Title 40 of the Palau National Code, the Ministry of Natural Resources, Environment, and Tourism hereby adopts and promulgates these Regulations.

### 1.3 Purpose.

The purpose of these Regulations is to increase the number of vessels that utilize the Republic’s ports in a manner that will generate economic activity and promote the Republic’s food security.

### 1.4 Definitions.

Under these Regulations:

- A. **Minister** means the Minister of the Ministry of Natural Resources, Environment, and Tourism.
- B. **Ministry** means the Ministry of Natural Resources, Environment, and Tourism.
- C. **Palau’s waters** mean the Republic’s internal waters, contiguous zone, territorial waters, exclusive economic zone and all waters over which the Republic has jurisdiction in accordance with international laws.
- D. **Permit** means a permit issued by the Ministry to conduct fishing activities within Palau’s waters in accordance with the PNMS Regulations.
- E. **Republic** means the Republic of Palau.
- F. **Transshipment at port agreement** means an agreement of a specified duration negotiated by a vessel representative and the Minister that complies with these Regulations and sets forth the terms under which a vessel may engage in transshipment at port within the Republic.
- G. **Vessel representative** means the vessel’s legal owner, agent, beneficial owner, or the primary company or association the vessel is a part of.

## **Section 2: Fees and Scope of Transshipment at Port**

### **2.1 Scope of Transshipment at Port.**

- A. Transshipment at port means the offloading or transfer of any fish caught outside of Palau's waters from a fishing vessel at an authorized port of the Republic for the purpose of export from the Republic by means of airfreight or container ship, and local sale.
- B. Fishing vessels engaged in transshipment at port shall not be simultaneously permitted by the Republic to fish in Palau's waters.

### **2.2 Landing Fee.**

A landing fee of ten (10) cents per kilogram shall be collected by the Bureau of Customs and Border Protection on all tuna and billfish transshipped at port. In consultation with the fishing industry, this landing fee may be reviewed and adjusted as appropriate.

## **Section 3: Agreements for Transshipment at Port**

### **3.1 Guidance and Terms for Transshipment at Port Agreements.**

- A. No fish shall be transshipped at port unless the transshipment occurs pursuant to a transshipment at port agreement negotiated between a vessel representative and the Minister.
- B. Every transshipment at port agreement shall prohibit any vessel representative from selling fish to buyers within the Republic who have not been approved by the Minister.
- C. Every transshipment at port agreement shall grant the Minister the right to arrange for the local purchase of up to ten percent (10%) of the vessel's catch each time it comes to port.
- D. Every transshipment at port agreement shall include locally affordable sale prices or price ranges negotiated by the Minister for any fish that may be sold within the Republic.
- E. Every transshipment at port agreement shall include a requirement that the vessel engaged in transshipment at port shall utilize and maintain in operable condition an automatic location communicator or mobile transmitting unit in accordance with Section 10.2 of the PNMS Regulations.
- F. No vessel shall be permitted to enter into a transshipment at port agreement with the Republic unless it is listed on the Western and Central Pacific Fisheries Commission Record of Fishing Vessels.

## Section 4: Reporting

### 4.1 Annual Report.

Within two (2) months after the end of each fiscal year, the Ministry shall submit to the President of the Republic, the President of the Senate, and the Speaker of the House, a complete annual report setting forth a summary of the data collected that fiscal year on transshipment at port. At a minimum, the report shall include data from every vessel that engaged in transshipment at port and clearly indicate the amount of fish exported from the Republic, the amount of fish purchased for local consumption, and the amount of funds collected in landing fees by the Bureau of Customs and Border Protection.

Having complied with the requirements of Chapter 1 of Title 6 of the Administrative Procedure Act, it is hereby certified that the *Regulations Governing Transshipment at Port* have been adopted by the Ministry of Natural Resources, Environment, and Tourism on this 30th day of September, 2020.



F. Umiich Sengebau

Minister of Natural Resources, Environment, and Tourism

In satisfaction of the requirement found in 6 PNC § 127, the President's signature below certifies that these regulations have been officially approved.

Approved on this 9<sup>th</sup> day of Oct., 2020.



Tommy E. Remengesau, Jr.  
President, Republic of Palau