



DECLARATION CONCERNING CONTROLLING AGREEMENTS

Part I – Context

The Issuance of Licences to Companies (ILC) Policy affirms the Government of Canada's commitment to support an independent inshore fleet through the creation of circumstances for resource users to be more self-reliant, economically viable and self-sustaining on a long-term basis.

It is **mandatory** that any company seeking to be issued a replacement or new licence, declare whether it is a party to a Controlling Agreement by completing this form and returning it to Fisheries and Oceans Canada (DFO).

This Declaration is not valid unless signed by an officer of the company, duly witnessed, and returned to a departmental official.

The information provided will be retained in the Personal Information Bank DFO PPU 010. Under the provisions of the *Privacy Act* and the *Access to Information Act*, individuals have the right to the protection of, and access to, their personal information. Instructions for obtaining this information are outlined in the government publication entitled Info Source, a copy of which can be obtained at your local Department of Fisheries and Oceans Office. Info Source is also available on the web at <http://infosource.gc.ca>.

Part II – Definitions

Controlling Agreement means an agreement between a licence holder and a person, corporation or other entity that permits a person, other than the licence holder, to control or influence the licence holder's decision to submit a request to DFO for issuance of a "replacement" licence¹ to another fish harvester (commonly referred to as a "licence transfer"). Agreements between the licence holder and a Recognized Financial Institution (RFI) are not Controlling Agreements if (1) there is no third party involved in the Agreement or (2) any co-signor, guarantor or other surety, involved in an agreement, does not control or influence the licence holder's decision to submit a request to DFO for the issuance of a "replacement" licence to another fish harvester.

¹as outlined in Section 16 of the *Commercial Fisheries Licensing Policy for Eastern Canada*

Independent Core (IC) is the category assigned to the head of a Core enterprise who is not party to a Controlling Agreement with respect to the licences issued in his or her name.

Recognized Financial Institution (RFI), includes a:

- a) Canadian financial institutions as defined in the *Bank Act*;
- b) Business Development Bank of Canada;
- c) Export Development Canada;
- d) Provincial Loan Boards: Fisheries Loan Guarantee Program (Newfoundland and Labrador); Direct Loans for Commercial Fishing Program (New Brunswick); Fisheries and Aquaculture Loan Board (Nova Scotia); P.E.I. Lending Agency (P.E.I.); Commercial Fishery Financing Program (Québec); Programme d'allègement temporaire du remboursement des prêts aux entreprises de la pêche (Québec).

Wholly-owned company A private corporation incorporated under the laws applicable in Canada, for which all voting and non-voting shares are issued to and controlled by one individual who meets the Independent Core eligibility criteria set out in PIIFCAF.

**DECLARATION CONCERNING CONTROLLING AGREEMENTS**

Identification number of the request issued by the National Online Licensing System: _____

Name of requester : _____ FIN : _____

*This form must be duly completed before being sent to Fisheries and Oceans Canada (DFO) for analysis.***Company Officer Information**

Title (ex. CEO, President):	
Surname :	
First Name:	
Mailing Address :	

Company Information

Company Legal Name:	
Date of Incorporation:	
Jurisdiction of Incorporation:	
Corporate Registration Number:	
Company Mailing Address:	

**Part III –Declaration of Company
To be completed by Company Officer**

Based on the definition of a controlling agreement, is the company bound by a controlling agreement regarding the licence being requested?

☐ Yes☐ No

I do solemnly declare that the information given on this form is true and correct, and I make this solemn declaration conscientiously believing it to be true and knowing it to be of the same force and effect as if made under the oath and by virtue of the *Canada Evidence Act*.

I have the authority to bind the company.

I understand that it is an offence under section 63 of the *Fisheries Act* to make a false or misleading declaration.

_____ <i>Name of Company Officer (Print)</i>	_____ <i>Signature of Company Officer</i>	_____ <i>Date</i>
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_____ <i>Name of Witness (Print)</i>	_____ <i>Signature of Witness</i>	_____ <i>Date</i>
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Address of Witness

Part IV - For Departmental Use Only

Designated Departmental Official requesting information:

_____ <i>Signature DFO Fishery Officer</i>	_____ <i>Date</i>
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Designated Departmental Official receiving information:

_____ <i>Signature Designated DFO Official</i>	_____ <i>Date</i>
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