

Regulations on the Management of Pacific Bluefin Tuna Fishing Operation

The full text of 36 articles promulgated on 30 November 2017 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1061338905.

Article 35-1 added and Article 36 amended and promulgated on 19 August 2020 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1091335437.

Chapter I General Principles

Article 1

These Regulations are established pursuant to Article 37, paragraph 1 and 3; subparagraph (9) of Article 44, paragraph 1; and subparagraph (5) of Article 54 of the Fisheries Act (hereinafter referred to as “the Act”).

Article 2

To conduct Pacific bluefin tuna fishing operation in the area of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereinafter referred to as “WCPFC Convention Area”, as shown in Appendix 1), the provisions of these Regulations shall be complied with.

To conduct fishing operation in the WCPFC Convention Area excluding the internal waters, territorial seas, and exclusive economic zone of the Republic of China (hereinafter referred to as “waters under the jurisdiction of the Republic of China”), the Act for Distant Water Fisheries and its related regulations shall also be complied with.

Article 3

The annual total catch quota (unprocessed round weight, hereinafter the same when referring to “quota” in the following provisions) of Pacific bluefin tuna for longline fishing vessels shall be limited to 1,679 metric tons; for fishing vessels of directed fisheries except for the longline fishing vessels (hereinafter referred to as “fishing vessels of the other directed fisheries”) and the set net fishery shall be limited to 30 metric tons.

The competent authority may, depending on the utilization of quota, proclaim the adjustment of the annual total catch quota of the longline fishing vessels, and fishing vessels of the other directed fisheries and set net fishery as referred to in the preceding paragraph.

Article 4

In the event that the accumulated catch amount of Pacific bluefin tuna by longline fishing vessels reaches 1,550 metric tons in one year, or the accumulated catch amount of Pacific tuna by fishing vessels of the other directed fisheries and the set net fishery reaches 20 metric tons in one year, the competent authority may proclaim the deadline by which the catching of Pacific bluefin tuna shall stop.

Article 5

Catching, retaining, transshipping, landing or selling any Pacific bluefin tuna less than 30 kilograms shall be prohibited.

Article 6

Fishing vessels shall not catch Pacific bluefin tuna with longline fishing gears without the authorization from the central competent authority.

Chapter II The Application and Issuance of Fishing Permits for Longline Fishing Vessels

Article 7

The annual number of longline fishing vessels conducting Pacific bluefin tuna fishing operation shall be limited to 660.

The central competent authority may proclaim the adjustment of the number of vessels as referred to in the preceding paragraph.

Article 8

Longline fishing vessels conducting Pacific bluefin tuna fishing operation shall be installed onboard the automatic location communication (ALC).

Article 9

Any fishery operator that intends to apply for a Pacific bluefin tuna fishing permit for his/her longline fishing vessel shall fill in the application form (format as shown in Appendix 2) and apply to the central competent authority from January 1 to January 31, with the following documents:

- (1) A copy of the valid fishing license of the directed fishery; and
- (2) A certificate issued by the Overseas Fisheries Development Council of the Republic of China proving that the ALC onboard has been tested and is capable of automatic reporting of its positions.

Article 10

The sequence of priorities for issuing the Pacific bluefin tuna fishing permit shall be as follows:

- (1) The first priority: vessels that were authorized by the central competent authority to conduct Pacific bluefin tuna fishing operation and have historical catch record in the preceding year, without any punishment imposed upon in the preceding year for violating these Regulations or the Regulations on Catching Pacific Bluefin Tuna.
- (2) The second priority: vessels under 100 gross tonnage (GT) with the historical catch record in the preceding five years.
- (3) The third priority: vessels of 100 GT and above with the historical catch record in the preceding five years.
- (4) The fourth priority: vessels under 100 GT with no historical catch record in the preceding five years.
- (5) The fifth priority: vessels of 100 GT and above with no historical catch record in the preceding five years.

In the event that the number of applications submitted pursuant to Article 9 exceeds the prescribed limit in Article 7, and the priority cannot be decided in accordance with the preceding paragraph, the central competent authority shall draw lots to decide the priority in an equitable and impartial manner.

Article 11

In the event that the number of fishing vessels obtaining the Pacific bluefin tuna fishing permits does not reach the limit of the current year, the central competent authority may announce in due course to accept applications, notwithstanding the application deadline prescribed in Article 9.

Article 12

In case of any of the following conditions, the fishery operator may submit the documents as prescribed in Article 9 and apply for the Pacific bluefin tuna fishing permit from the central competent authority, notwithstanding the application deadline prescribed in Article 9:

- (1) The fishery operator of a fishing vessel has changed;
- (2) The fishery operator has obtained the fishing license for the chartered fishing vessel;
- (3) The fishery operator has obtained the fishing license for the newly-built fishing vessel;
- (4) The fishery operator who resumes the operation after the suspension of the operation authorized pursuant to Article 11, paragraph 2 of the Act has expired;
- (5) The fishery operator applies for the renewal of the expired fishing license; or
- (6) The suspension of the fishing license has been executed completely.

Article 13

In case that a fishery operator is under any of the following circumstances, the issuance of the Pacific bluefin tuna fishing permit to such operator shall be denied:

- (1) He/She is sentenced imprisonment for violating the Act or the Act for Distant Water Fisheries and such sentence is not yet executed, not executed completely, or is on probation whose period is not yet expired, or 2 years have not passed since such sentence is executed completely, on probation which is expired, or pardoned;
- (2) He/She is sentenced to a short-term imprisonment or criminal fine for violating the Act or the Act for Distant Water Fisheries and such sentence is not yet executed, not executed completely or 2 years have not passed since such sentence is executed completely;
- (3) A fine imposed pursuant to the Act or the Act for Distant Water Fisheries has not been paid completely;
- (4) The suspension of the fishing license of any of his/her fishing vessel imposed pursuant to the Act or the Act for Distant Water Fisheries has not been executed completely.

Article 14

A Pacific bluefin tuna fishing permit will be issued to the application approved by the central competent authority. The validity period of the permit shall start from the day of issuance to December 31 of the current year, and shall not exceed the validity period of the fishing license.

Chapter III Management of Catch Tagging and Catch Report

Article 15

Prior to fishing operation, fishery operators of longline fishing vessels authorized by the central competent authority to conduct Pacific bluefin tuna fishing operation shall apply for and obtain Pacific bluefin tuna tags of the current year from the central competent authority.

Article 16

Any Pacific bluefin tuna shall be tagged immediately at the appropriate position when being caught by any longline fishing vessel.

Article 17

In the event that any Pacific bluefin tuna is caught by fishing vessels of the other directed fisheries or the set net fishery, fishery operators concerned shall, before landing, apply for and obtain Pacific bluefin tuna tags from the central competent authority, and tag the Pacific bluefin tuna at the appropriate position at the time of landing.

Article 18

Captains of longline fishing vessels or fishing vessels of the other directed fisheries, or fishery operators of set net fishery shall report to the fishery radio station concerned the number, the weight, the length, and location for each Pacific bluefin tuna caught. Captains of longline fishing vessels shall also report the serial number of each tag.

In case of catching any Pacific bluefin tuna less than 30 kilograms, such catch shall be discarded immediately, and the amount of discard, the location of such catch, and the weight and the length of each Pacific bluefin tuna discarded shall be reported.

Article 19

In the event that any tag on the Pacific bluefin tuna caught by longline fishing vessels detaches and cannot be re-attached, an unused replacement tag shall be attached immediately, and the serial number of the replacement tag and detached tag shall be reported to the fishery radio station.

Article 20

Before the Pacific bluefin tuna tags are exhausted during operation at sea, any longline fishing vessel shall apply for the tags from the central competent authority and the Pacific bluefin tuna may only be tagged at the time of landing in port after the approval from the central competent authority is obtained.

Article 21

For any Pacific bluefin tuna subsequently caught after the deadline as proclaimed by the central competent authority in accordance with Article 4, such catch shall be immediately discarded, and the amount of discard, the location of such catch, and the weight and the length of each Pacific bluefin tuna discarded shall be reported to the fishery radio station concerned in accordance with Article 18.

Article 22

Upon the receipt of the report by any captain or fishery operator, the fishery radio station shall check the registration of the vessel or the location of set net deployment, and fill in the Pacific bluefin tuna catch reporting form (format as shown in Appendix 3 and Appendix 4) on behalf of the captain or fishery operator.

The fishery radio station shall compile and submit such forms to the central competent authority before Tuesday each week.

Chapter IX The Designation and Management of Ports for Transshipment or Landing

Article 23

For any Pacific bluefin tuna caught by any longline fishing vessel or fishing vessel of the other directed fisheries, and landed in domestic ports, the domestic ports shall be limited to Nanfangao Fishing Port in Ilan County, Hsinkang Fishing Harbor in Taitung County, Donggang Fishing Harbor in Pingtung County and Chienchen Fishing Harbor in Kaohsiung City.

Article 24

No fishing vessel shall allow the Pacific bluefin tuna caught by itself to be transported by other fishing vessel(s), or to transport the Pacific bluefin tuna caught by other fishing vessel(s) without the permission from the central competent authority.

In the event that the following requirements are met, a fishery operator may apply for the permission to transport the Pacific bluefin tuna caught by his/her longline fishing vessel authorized by the central competent authority to conduct Pacific bluefin tuna fishing operation to other fishing vessel(s) for landing in the domestic ports as stipulated in Article 23:

- (1) The Pacific bluefin tuna is caught in waters under the jurisdiction of the Republic of China.
- (2) The applying fishing vessel employs ice chilling method to preserve its catches.
- (3) A tag issued by the central competent authority is attached to the Pacific bluefin tuna caught.
- (4) The fishing vessel(s) transporting the Pacific bluefin tuna is a longline fishing vessel authorized to conduct Pacific bluefin tuna fishing operation.
- (5) The ALCs of both the applying and transporting fishing vessels can regularly and normally transmit vessel positions.

For the application as referred to in the preceding paragraph, the reporting form (format as shown in Appendix 5) shall be filled in and reported to the fishery radio station for forwarding to the central competent authority for authorization.

Article 25

For any longline fishing vessel or fishing vessel of the other directed fisheries that lands in the ports as stipulated in Article 23, its fishery operator or captain shall, 24 hours before the port entry, notify the fishery radio station concerned of the estimated landing port, date, and the number of Pacific bluefin tuna caught and transported. In the event that the location of Pacific bluefin tuna caught is less than 100 nautical miles from the landing port, or that Pacific bluefin tuna is caught by the set net fishery, the notification may be made before the port entry.

At the time of landing, the competent authority may dispatch personnel to inspect and query in accordance with Article 49 of the Act, and measure the length and weight of the catches, and the relevant parties shall not evade, obstruct or refuse.

Chapter V Catch Documents

Article 26

In the event that a fishery operator completes the notification to the radio station concerned as referred to in the preceding Article, and domestically lands and sells the

Pacific bluefin tuna, the Catch Document of Pacific Bluefin Tuna for Domestic Sales (hereinafter referred to as “Catch Document of Domestic Sales Pacific Bluefin Tuna,” format of which is as shown in Appendix 6), shall be issued by the central competent authority.

Article 27

For any fishery operator selling the Pacific bluefin tuna, he/she shall provide the buyer with the Catch Document of Domestic Sales Pacific Bluefin Tuna with the information on sales process properly filled in.

For each buyer selling the Pacific bluefin tuna, he/she shall accurately and completely fill in the weight to be sold in the Catch Document of Domestic Sales Pacific Bluefin Tuna and provide to the next buyer(s).

In the event that a Pacific bluefin tuna is sold in batches, the Catch Document of Domestic Sales Pacific Bluefin Tuna may be provided to the next buyer(s) in photocopies, each of which records the weight to be sold.

Article 28

He/She who sells Pacific bluefin tuna shall, for the purpose of examination of the competent authority, prepare the Catch Document of Domestic Sales Pacific Bluefin Tuna and the transaction document(s) which can trace back to the fishery operator.

Article 29

For any Pacific bluefin tuna applied to be exported to any foreign country, an application form (format as shown in Appendix 7) shall be filled in and submitted, together with the following documents, to the central competent authority, for the issuance of the Catch Document of Pacific Bluefin Tuna for Exportation (hereinafter referred to as “Catch Document of Exported Pacific Bluefin Tuna,” format of which is as shown in Appendix 8):

- (1) The Catch Document of Domestic Sales Pacific Bluefin Tuna with the trading records that can trace back to the fishery operator and relevant transaction document(s). For any applicant that is the fishery operator of the Pacific bluefin tuna catch, the documents as referred to in subparagraph (1) may be exempted.
- (2) A copy of the Catch Document of Exported Pacific Bluefin Tuna with completed information in printing.
- (3) For the Pacific bluefin tuna caught by set net fishery, a photocopy of the fishing license of set net fishing right shall be enclosed.

Article 30

In case of any of the following circumstances, the catch documents for Pacific bluefin tuna shall not be issued:

- (1) Any Pacific bluefin tuna caught by any fishing vessel listed in the illegal, unreported and unregulated (IUU) fishing vessel lists as promulgated by the competent authority pursuant to Article 13, paragraph 2 of the Act for Distant Water Fisheries.
- (2) Any fishing vessel in violation of Article 13, paragraph 1 of the Act for Distant Water Fisheries; or Article 48, paragraph 1 of the Act, during fishing operation.
- (3) Any fishing vessel catching Pacific bluefin tuna with longline fishing gears without

the authorization from the central competent authority.

- (4) In violation of the provisions on catch reporting, transshipment or landing of these Regulations and the Act for Distant Water Fisheries during fishing operation.
- (5) The Pacific bluefin tuna is caught by any fishing vessel that fails to conduct write-off for the Catch Document of Exported Pacific Bluefin Tuna in accordance with these Regulations.

Article 31

A Catch Document of Exported Pacific Bluefin Tuna will be issued to the application submitted in accordance with Article 29 and approved after examination.

The validity period of a Catch Document of Exported Pacific Bluefin Tuna as referred to in the preceding paragraph shall be six months starting from the date of issuance.

Article 32

He/She who has obtained the Catch Document of Exported Pacific Bluefin Tuna shall, within two months after the custom clearance of the catch has completed, fill in the application form and submit to the central competent authority or the commissioned organization(s), together with the following documents, for the write-off:

- (1) The custom clearance document(s) issued by the importing country.
- (2) The duplicate of the export declaration.
- (3) The photocopy of the documents on the sales of such catch.

Chapter VI Supplemental Provisions

Article 33

In case of any of the following circumstances, the fishing license of the fishery operator and the Certificate of Fishing Vessel Officers or the Fishing Vessel Crew Identification of the fishery employee shall be subject to suspension for a period of one year and under, pursuant to Article 10 of the Act; and in case of severe violation, the fishing license of the fishery operator and the Certificate of Fishing Vessel Officers or the Fishing Vessel Crew Identification shall be subject to revocation:

- (1) Catching, retaining, transshipping, landing or selling any Pacific bluefin tuna less than 30 kilograms, in violation of Article 5.
- (2) Any fishing vessel that catches Pacific bluefin tuna with the longline fishing gears without the authorization from the central competent authority, in violation of Article 6.
- (3) Catching any Pacific bluefin tuna after the deadline as proclaimed by the central competent authority in the current year, and failing to discard the catch in accordance with Article 21.
- (4) Any longline fishing vessel or fishing vessel of the other directed fisheries that domestically lands its Pacific bluefin tuna catch but fails to land in the designated ports as prescribed in Article 23.
- (5) Any fishing vessel transporting the Pacific bluefin tuna caught by itself to other vessel(s) or transporting the Pacific bluefin tuna not caught by itself without the permission, in violation of Article 24.
- (6) Any fishery operator that evades, obstructs, or refuses the inspection, query or measurement of the length and weight of the Pacific bluefin tuna catch conducted by personnel dispatched by the competent authority at the time of landing, in violation of Article 25, paragraph 2.

Article 34

In case of any of the following circumstances, the fishery operator and the fishery employee shall be respectively subject to a fine between 30 thousand and 150 thousand New Taiwan Dollars, pursuant to Article 65 of the Act:

- (1) Any longline fishing vessel that fails to apply for and obtain the Pacific bluefin tuna tag of the current year from the central competent authority before conducting Pacific bluefin tuna fishing operation, in violation of Article 15.
- (2) Any longline fishing vessel that fails to immediately attach the Pacific bluefin tuna tag at the appropriate position, in violation of Article 16.
- (3) Any fishing vessel of the other directed fisheries or the set net fishery that catches Pacific bluefin tuna and fails to apply for the Pacific bluefin tuna tag from the central competent authority before the landing, or fails to attach the tag at the appropriate position at the time of landing, in violation of Article 17.
- (4) Any captain of any longline fishing vessel or fishing vessel of the other directed fisheries or fishery operator of the set net fishery that fails to report the number, weight, length, and the location for each Pacific bluefin tuna caught to the fishery radio station concerned within 24 hours after catching the Pacific bluefin tuna, in violation of Article 18; or any captain of longline fishing vessel that fails to report the serial number of each tag, in violation of Article 18.
- (5) In the event that any tag on the Pacific bluefin tuna detaches and cannot be re-attached, any longline fishing vessel that fails to attach an unused replacement tag immediately, or that fails to report to fishery radio station the serial number of the detached tag and the replacement tag, in violation of Article 19.
- (6) Before the Pacific bluefin tuna tags are exhausted during operation at sea, any longline fishing vessel that fails to obtain the approval from the central competent authority to attach the tags at the time of landing in port, in violation of Article 20.
- (7) Catching any Pacific bluefin tuna after the deadline as proclaimed by the central competent authority in the current year, and failing to report the amount of discard, in violation of Article 21.
- (8) Any longline fishing vessel or fishing vessel of the other directed fisheries that returns to the designated port for landing and fails to notify the fishery radio station concerned of the estimated landing port, date, and the number of the Pacific bluefin tuna caught and transported within the required timeframe as stipulated in Article 25, paragraph 1.

Article 35

In case of any of the following circumstances, the offender shall be subject to a fine between 30 thousand and 150 thousand New Taiwan Dollars, pursuant to subparagraph (6) of Article 65 of the Act:

- (1) Failure to prepare the Catch Document of Domestic Sales Pacific Bluefin Tuna and the transaction document(s) which can trace back to the fishery operator for the purpose of examination of the competent authority in accordance with Article 28.
- (2) Failure to apply for the issuance of the Catch Document of Exported Pacific Bluefin Tuna in accordance with Article 29 for exporting Pacific bluefin tuna to any foreign country.

Article 35-1

Related business that shall be conducted by the central competent authority in accordance with Article 25, paragraph 2; Article 26; and Article 29 to 32 may be delegated to Fisheremen's Associations.

Article 36

These Regulations shall become effective on the date of promulgation, except for Article 28 and subparagraph (1) of Article 35, which shall become effective on January 1, 2019; and except for the amended Article promulgated on August 19, 2020, which shall become effective on January 1, 2020