

## **Directions for the Application and Issuance of the European Community Catch Certificate for Catch of Coastal and Offshore Fishing Vessels**

Promulgated on 16 September 2009 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 0981332494.

The entire text of 12 articles amended on 29 November 2013 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 1021339167B and became effective on 1 January 2014.

Appendix 1 of Article 2 amended on 13 July 2016 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 1051258213A and became effective on 15 July 2016.

The full text of 14 articles and the original title of these Directions, Directions for the Application and Issuing of the European Community Catch Certificate, amended on 23 February 2018 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 1071325183A and became effective upon promulgation.

Article 4 amended on 25 April 2018 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 1071326357A and became effective upon promulgation.

The entire 13 articles amended and promulgated on 27 July 2023 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 1121326326A, and became effective on 1 August 2023.

### **Article 1**

For the management of marine fisheries resources and in response to the European Community Catch Certification scheme, the Ministry of Agriculture, Executive Yuan (hereinafter referred to as “this Ministry”) hereby establishes these Directions so as to ensure that the direct and indirect export to the European Union of the catch harvested by national coastal and offshore fishing vessels and the fisheries products processed therefrom (hereinafter referred to as “catch and fisheries products”) meet the European Community Council Regulations (EC) No. 1005/2008.

### **Article 2**

In case that the export of coastal and offshore catch and fisheries products harvested by a fishing vessel of directed fisheries which does not hold a distant water fisheries permit (hereinafter referred to as “coastal and offshore fishing vessel”) requires an European Community Catch Certificate (EUCC) pursuant to the regulations of the European Community, an application shall be made to the Fisheries Agency of this Ministry for the issuance of an EUCC in accordance with these

Directions (format and instructions as shown in Appendix 1 and Appendix 2).

### Article 3

The following requirements shall be met by any coastal and offshore fishing vessel for the application of an EUCC for the catch and fisheries products harvested by it:

- (1) The vessel concerned shall pass the hygiene inspection, which is still within the validity period, and be registered on the list of approved fishing vessels to supply fisheries products for the export to the European Union on the website of the Fisheries Agency of this Ministry.
- (2) The vessel concerned shall be installed onboard the automatic location communicator (ALC) and report its vessel positions in accordance with the regulations of directed fisheries in which such vessel is engaged. Where there is no related regulation for the directed fisheries in which the vessel is engaged, a Voyage Data Recorder (VDR) shall be installed to record its tracks.
- (3) The captain of the vessel concerned shall daily fill in the logbooks (format as shown in Appendix 3), which shall be submitted to the local district fishermen's association within three working days starting from the next day after port entry. In case that the regulations of directed fisheries in which such vessel is engaged have prescribed the format of and the manner of filling out the logbooks, such regulations shall be complied with.
- (4) Landing Declarations shall be filled out and submitted in accordance with the Regulations for the Submission of Landing Declarations by Coastal and Offshore Fishing Vessels. In case that the regulations of directed fisheries in which such vessel is engaged have prescribed the manner of filling out and the submission of landing declarations, such regulations shall be complied with.

### Article 4

Catch harvested by coastal and offshore fishing vessels shall only be landed and sold at the following ports for the application of an EUCC:

- (1) Yilan County: Nanfangao fishing port and Wushih fishing port.
- (2) New Taipei City: Aodi fishing port, Shenao fishing port and Yeliou fishing port.
- (3) Keelung City: Badouzih fishing port and Jhengbin fishing port.
- (4) Tainan City: Jiangjyun fishing port and Anping fishing port.
- (5) Kaohsiung City: Singda fishing port, Chienchen fishing port, Linhaisincun fishing port, Jhongyun fishing port, and Eh-Tsu-Liau Fishing port.
- (6) Pingtung County: Tungkang fishing port.
- (7) Taitung County: Singang fishing port.
- (8) Hualien County: Hualien fishing port.
- (9) Penghu County: Magong fishing port.

Any coastal and offshore fishing vessel harvesting mackerel shall land and sell its mackerel catch at the designated domestic ports in accordance with the Regulations on the Management of Mackerel Fishery.

### Article 5

An applicant for an EUCC shall be a fishery operator, a wholesaler with a wholesaler permit in a fish market, a government-registered domestic importer or exporter, or a processing plant.

#### Article 6

Any fishery operator that intends to apply for an EUCC for the unprocessed catch caught by his/her coastal and offshore fishing vessel(s) shall submit the following documents to the Fisheries Agency of this Ministry for the application:

- (1) An application form (format as shown in Appendix 4).
- (2) Two copies of the Catch Certificates with complete information typed clearly.
- (3) Landing Declaration(s).
- (4) A copy of the transport document of the exported catch or fisheries products.

In the event that the applicant for an EUCC is not a fishery operator as referred to in the preceding paragraph, the following documents shall also be submitted, in addition to the documents prescribed in the preceding paragraph:

- (1) The trade slip issued by the fish market concerned.
- (2) Relevant transaction proving document(s) that can trace from the applicant back to the fishery operator(s).

#### Article 7

In case of any of the following circumstances, the Fisheries Agency of this Ministry shall deny the application for an EUCC:

- (1) The applicant does not meet the provision as stipulated in Article 5.
- (2) The catch and fisheries products are exempted from the Catch Certification scheme pursuant to the Regulations of the European Union.
- (3) The catch is from any coastal and offshore fishing vessel listed on the list of illegal, unreported, and unregulated (IUU) fishing vessels proclaimed by any international fisheries organization or the European Union.
- (4) The coastal and offshore fishing vessel concerned has not passed the hygiene inspection pursuant to the Directions on the Hygiene Management of Fishing Vessels Supplying Fishery Products for the Export to European Union, or the fishing period of the catch or fisheries products to be exported is not within the validity period of the hygiene inspection.
- (5) The coastal and offshore fishing vessel concerned has not reported its position during the current fishing trip, or any anomalous datum is recorded in the VDR.
- (6) The coastal and offshore fishing vessel concerned has not submitted the logbook in accordance with relevant regulations.
- (7) The coastal and offshore fishing vessel concerned has not filled out or submitted the Landing Declaration in accordance with relevant regulations.
- (8) The coastal and offshore fishing vessel concerned fails to conduct the landing in accordance with provisions in Article 4 during the current fishing trip.

- (9) In the current fishing trip of the coastal and offshore fishing vessel concerned, the discrepancy of the catch amount between the logbook and the Landing Declaration exceeds 20%.
- (10) The catch amount in the application for the EUCC exceeds the actual landing amount.
- (11) During the current fishing trip, the coastal and offshore fishing vessel concerned has violated any provision regarding fishing operation approval, fishing gear(s) and fishing method(s), prohibited fishing area(s), prohibited fishing period(s), prohibited species, or catch amount as stipulated in the Fisheries Act, or has violated the Distant Water Fisheries Act.
- (12) The fishery operator, fishery employee or relevant party concerned evades, obstructs, or refuses any inspection conducted pursuant to Article 49, paragraph 1 of the Fisheries Act.
- (13) The required documents for the application of an EUCC or the information recorded therein are incomplete or unclear, and the applicant fails to supplement within the required timeframe upon request.
- (14) The application concerned is made with any false or counterfeit document.
- (15) Any EUCC previously obtained by the applicant concerned has not been written off in accordance with Article 9, or not been cancelled in accordance with Article 10.

Where any of the circumstances stipulated in the preceding paragraph is found after the issuance of an EUCC, the competent authority shall withdraw such EUCC and notify the European Union and the authority concerned of the importing country.

#### Article 8

An EUCC is valid for one year starting from the date of issuance.

#### Article 9

Any applicant for an EUCC shall, within three months after the completion of customs clearance of the catch and fisheries products, submit the information/document(s) of customs clearance issued by the importing country (or a duplicate of the export declaration in case of exportation from the Republic of China) and a carbon copy of the sales data to the Fisheries Agency of this Ministry for write-off.

#### Article 10

For any EUCC that is lost, not used for some reasons, or damaged, the applicant concerned shall take the initiative to apply to the competent authority for cancellation with the enclosure of the following documents:

- (1) A statement of the cause(s) of the cancellation.
- (2) The original copy of the EUCC. In case of loss of the EUCC, such provision shall be waived.
- (3) Where the cause of cancellation is resulted after the export of catch or fisheries products, a carbon copy of the transport document for export and the proof slip of the export declaration issued by the customs at the port of exportation, or other proving document(s), shall be enclosed.

#### Article 11

Where an EUCC has been cancelled in accordance with Article 10, the applicant concerned may, within the validity period of the original EUCC, apply for the re-issuance to the competent authority. The validity period of the re-issued EUCC shall be the same as the cancelled one.

#### Article 12

The Fisheries Agency of this Ministry may assign its personnel to fishing vessels, offices or related premises of applicants to examine the sales data on the catch and fisheries products.

#### Article 13

For any applicant evading, obstructing, or refusing the examination(s) conducted by the personnel assigned by the Fisheries Agency of this Ministry pursuant to Article 12, the Fisheries Agency of this Ministry may refuse to accept any application for an EUCC from such applicant for one year.