

Content

Title :	Regulations for Longline Fishing Vessels Operating in the Maritime Area Subject to the Taiwan-Japan Fisheries Agreement <b>Ch</b>
Date :	2014.03.05
Legislative :	1.Established and promulgated on 5 March 2014 by the Council of Agriculture, Executive Yuan under the Order No. Nung-yu-tzu 1031332616.
Content :	<p><b>Article 1</b> These Regulations are hereby established pursuant to Article 37, subparagraph (3) and Article 54, subparagraph (5) of the Fisheries Act (hereinafter referred to as “the Act” ).</p> <p><b>Article 2</b> “Maritime area subject to the Taiwan-Japan Fisheries Agreement” (hereinafter referred to as “Taiwan-Japan Area” ) referred to in these Regulations is shown in the Attached Figure, which comprises waters where the other party’ s laws are not applicable and a special cooperation zone.</p> <p><b>Article 3</b> Longline fishing vessels shall not operate in the Taiwan-Japan Area without authorization.</p> <p><b>Article 4</b> Any longline fishing vessel that intends to operate in the Taiwan-Japan Area shall install an automatic location communicator.</p> <p><b>Article 5</b> Any fishery operator who intends to apply for authorization to operate in the Taiwan-Japan Area shall complete and submit an application form, together with the following documents, to the Suao Fishermen’ s Association. After compiling the applications, the Suao Fishermen’ s Association shall submit them to the central competent authority.</p> <ol style="list-style-type: none"><li>(1) A valid fishing license for directed fishery.</li><li>(2) A certificate issued by the Overseas Fisheries Development Council of the Republic of China verifying that the automatic location communicator installed on board the vessel has been tested and proven to be capable of automatic reporting of its positions hourly.</li><li>(3) A document proving that the cost of communications of the automatic location communicator has been paid.</li><li>(4) A document proving that the regional fishermen association to which the fishery operator belongs consents to provide assistance in handling marine accidents such as collision.</li></ol> <p>For the application referred to in the preceding paragraph, the fishery operator shall submit his or her application before 15 March every year. The Suao Fishermen’ s Association shall make and submit a register of applications to the central competent authority before 31 March every year. However, the application deadline for 2014 is extended to 31 March, and the Suao Fishermen’ s Association shall submit the register of applications before 15 April 2014.</p>

## **Article 6**

For any application made in accordance with the preceding Article that has been approved by the central competent authority, a permit for authorization to operate in the Taiwan-Japan Area shall be issued. The valid period of the permit shall be up to one year, but shall not exceed the expiration date of the fishery license.

For the purpose of managing fisheries resources or maintaining the order of fishing operations in the Taiwan-Japan Area, the central competent authority may promulgate restrictions on the number or catch quantity of longline fishing vessels operating in the Taiwan-Japan Area and publish such restrictions on the Government Gazette.

## **Article 7**

No permit for authorization to operate in the Taiwan-Japan Area shall be issued in the event that a fishing vessel is involved in one of the following:

- (1) Any of the circumstances set out in Article 7-1, subparagraph (4) to (6) of the Act.
- (2) A dispute with a Japanese fishing vessel in the Taiwan-Japan Area has not been resolved properly.
- (3) The longline fishing vessel acquired by a fishery operator is involved in one of the circumstances referred to in the preceding two subparagraphs.

## **Article 8**

A permit for authorization to operate in the Taiwan-Japan Area shall expire upon expiration of its valid period. After that, if a fishery operator needs to continue fishing operations in the Taiwan-Japan Area, he or she shall make an application in accordance with Article 5.

## **Article 9**

Any longline fishing vessel with a permit for authorization to operate in the Taiwan-Japan Area shall maintain a functional automatic location communicator year round, even when it is in port.

Any longline fishing vessel which intends to leave port shall do so only after the local unit of the Coast Guard Administration has checked and confirmed the automatic location communicator installed on board the vessel is switched on and functional with the monitoring center of the fishery radio station of the local district fishermen's association (hereinafter referred to as "monitoring center").

After a longline fishing vessel referred to in the preceding paragraph leaves port, the automatic location communicator installed on board shall automatically report vessel positions hourly.

Where a longline fishing vessel fails to report its positions normally, the central competent authority may order the fishing vessel to return to port for repair within a specified timeframe. During the specified timeframe, the vessel shall use the telecommunication equipment on board to report its positions every four hours to the monitoring center. After return to port, the vessel shall not leave port unless the automatic location communicator installed on board is repaired.

After entry into port, if there is a need to switch off the automatic location communicator installed on board, the longline fishing vessel may do so only after its fishery operator applies for and obtains permission

from the Fisheries Agency of the Council of Agriculture.

The cost of communications of the automatic location communicator installed on board the longline fishing vessel shall be borne by its fishery operator.

#### **Article 10**

For the purpose of maintaining the order of fishing operations in the Taiwan-Japan Area, the central competent authority may commission the Suao Fishermen's Association to conduct matters of instructing longline fishing vessels in respect of fishing operations in the Taiwan-Japan Area.

The Suao Fishermen's Association shall set up teams and elect commanders to conduct matters referred to in the preceding paragraph.

While a longline fishing vessel operates in the Taiwan-Japan Area, the captain shall obey instructions from commanders elected pursuant to the preceding paragraph.

#### **Article 11**

Where any longline fishing vessel with a permit for authorization to operate in the Taiwan-Japan Area leaves port for fishing operations, the catch logbook shall be filled in. Within 3 days after the vessel returns to port, the fishery operator or captain shall submit the catch logbook for that fishing trip to the Suao Fishermen's Association. The Suao Fishermen's Association shall submit the said catch logbook to the central competent authority within one month of receipt.

#### **Article 12**

Longline fishing vessels with the permit for authorization to operate in the Taiwan-Japan Area shall be restricted to land their catches in the Nanfangao fishing port in Ilan County. None of them shall land its catch in any other fishing port unless otherwise permitted on a case-by-case basis. The central competent authority may dispatch personnel to inspect landings. The fishery operator or captain shall not refuse the inspection.

Where any longline fishing vessel with a permit for authorization to operate in the Taiwan-Japan Area returns to port for landing, a landing record shall be filled in and submitted to the Suao Fishermen's Association within 7 days after the vessel returns to port. The Suao Fishermen's Association shall submit the landing records received in the previous week to the central competent authority every Monday.

#### **Article 13**

While operating in the Taiwan-Japan Area, a longline fishing vessel shall comply with the following provisions:

- (1) Shall not discard fishing gear such as longline or pick up fishing gear of other fishing vessels.
- (2) Shall not sever lines entangled with the lines of another fishing vessel unless they can be disentangled only by severing. The longline fishing vessel which has severed the entangled lines shall be responsible for repairing the longline gears.
- (3) In case of a dispute with a Japanese fishing vessel, the captain shall promptly inform commanders and notify the fishery radio station of the Suao Fishermen's Association.

#### **Article 14**

During the period between 1 April and 31 July 2014, on any day the Suao Fishermen's Association notifies that there are Japanese fishing vessels

operating in the waters east of 124<sup>0</sup>E and south of 25<sup>0</sup>10' N of the Taiwan-Japan Area, longline fishing vessels of the Republic of China shall conduct fishing operations at a distance of at least 4 miles from other vessels. In the event that no Japanese fishing vessel operates on the day notified pursuant to the preceding paragraph, longline fishing vessels of the Republic of China may conduct fishing operations at a distance of at least 1 mile from other vessels after the Suao Fishermen' s Association has notified the competent authority of Japan.

#### **Article 15**

During the period between 1 May and 31 July every year, longline fishing vessels operating in the special cooperation zone shall comply with the following provisions:

- (1) In the waters south of 26<sup>0</sup>N:
  - i. Time of setting and hauling: Longline fishing vessels which set their longlines at 12:00 midnight of Taiwan time shall complete hauling by 12:00 noon Taiwan time. Longline fishing vessels which set their longlines at 12:00 noon of Taiwan time shall complete hauling by 12:00 midnight of Taiwan time.
  - ii. Cardinal point of set: The cardinal point of set shall be located at one or half degree of longitude and one minute of latitude.
  - iii. Fishing notification: When a longline fishing vessel arrives at its intended fishing location, it shall use the common channel (9222 kilohertz) to notify nearby fishing vessels. In the event that there is already another vessel waiting to start fishing at the same location, the vessel of later arrival shall search for other fishing locations in accordance with the principle of the preceding subparagraph.
  - iv. Setting direction: All longline fishing vessels shall set their longlines in the east-west direction.
  - v. Distance between sets: The distance between sets shall not exceed 30 miles in the east-west direction and shall reach at least 1 mile in the south-north direction.
- (2) In the waters north of 26<sup>0</sup>N:
  - i. The setting direction shall be westward from the start point. The start time of setting shall be between 5:00 a.m. and 6:00 a.m. of Japan time.
  - ii. Distance between vessels shall be at least 4 miles.
  - iii. Setting shall be limited to once per day.
  - iv. After completion of hauling, the longline fishing vessel shall return to the start point of its previous set before the start time of next set.
  - v. Any longline fishing vessel which intends to start fishing shall do so only after it has confirmed that fishing can be conducted with Japanese fishing vessels operating nearby.

#### **Article 16**

A longline fishing vessel with a permit for authorization to operate in the Taiwan-Japan Area shall receive an observer assigned by the central competent authority to carry out observations on board.

To facilitate an observer to carry out observations on board, the fishery

operator, captain and crew members of a longline fishing vessel shall comply with the following provisions:

- (1) Shall embark and disembark the observer at the time and place as informed by the central competent authority.
- (2) Shall provide the observer, while on board the vessel, with accommodation and medical facilities equal to those available to officers on board the vessel as well as adequate space, equipment and data which the observer needs for carrying out his duties.
- (3) When an observer embarks on the fishing vessel, the captain shall inform the observer of the daily routine, personal safety and vessel equipment, and notify all crew members of the observer's presence for the purpose of carrying out his duties on board.
- (4) Shall allow and assist the observer to access the communication equipments such as satellite phone or single side band radio (SSB).
- (5) Shall provide the catch logbook to the observer for verification every day.
- (6) Shall not interfere with the observer in recording relevant information derived from the navigation equipments of the vessel and shall provide necessary and sufficient assistance while the observer performs his duties.
- (7) Shall assist the observer in collecting catch samples for scientific research.
- (8) Shall not refuse or interfere with the observer in making inquiries and record matters relating to the observations on board.
- (9) The captain shall sign on the data collected or the record written by the observer in the performance of his duties. If having different opinions on the record written by the observer, the captain may add those opinions to the record.
- (10) The captain shall ensure the observer's safety. In case of emergency or distress, special care and refuge shall be given to the observer.

#### **Article 17**

While operating in the Taiwan-Japan Area, longline fishing vessels shall accept the boarding and inspection carried out by our national patrol vessels.

#### **Article 18**

In the event of one of the following circumstances, pursuant to Article 10 of the Act, the fishing license of the fishery operator and the certificate of fishing vessel officer or the fishing vessel crew identification of the fishery employees shall be subject to suspension for a period of not more than one year; in case of a serious violation, the fishing license of fishery operator and the certificate of fishing vessel officer or the fishing vessel crew identification of the fishery employees may be subject to revocation:

- (1) In violation of Article 3, fishing in the Taiwan-Japan Area without authorization.
- (2) In violation of restrictions on catch quantity promulgated pursuant to Article 6, paragraph 2.
- (3) Failure to report vessel positions in accordance with Article 9, paragraph 1.

- (4) Failure to have the automatic location communicator installed on board confirmed functional, non-compliant departure from port and failure to report vessel positions in accordance with Article 9, paragraph 2.
- (5) Failure to return to port within the specified timeframe, or non-compliant departure from port without having the automatic location communicator repaired in accordance with Article 9, paragraph 4.
- (6) In violation of Article 9, paragraph 5, switching off the automatic location communicator installed on board without applying for permission.
- (7) In violation of Article 12, paragraph 1, paragraph 2 or paragraph 3, landing in any other port other than the designated port, refusing landing inspections or failure to submit the landing record as required.
- (8) In violation of any of the provisions of Article 13 in respect of requirements on fishing operations in the Taiwan-Japan Area.
- (9) In violation of the distance between vessels operating in the Taiwan-Japan Area specified in Article 14.
- (10) In violation of any of the provisions of Article 15 in respect of time of setting, setting direction, distance between sets, fishing notification etc.
- (11) In violation of Article 16, evading, interfering with or refusing the observer assigned by the central competent authority to carry out observations on board and failure to embark and disembark the observer for performance of his duties.
- (12) In violation of Article 17, evading, obstructing or refusing boarding and inspection carried out by our national patrol vessels.

#### **Article 19**

In the event of one of the following circumstances, pursuant to Article 65, subparagraph (7) of the Act, the fishery operator or fishery employees of the fishing vessel shall be subject to a fine of not less than NT\$ 30 thousand dollars but not more than NT\$ 150 thousand dollars:

- (1) In violation of Article 9, paragraph 3, failure to report vessel positions hourly after departure from port.
- (2) In violation of Article 10, paragraph 3, non-compliance with the instructions from commanders.
- (3) Failure to fill in and submit the catch logbook, or failure to fill in the catch logbook truly in accordance with Article 11.
- (4) In violation of Article 12, paragraph 3, failure to fill in the landing record truly.

#### **Article 20**

These Regulations shall enter into force on the date of promulgation, with the exception that the preceding two Articles shall enter into force until three months after the date of promulgation.