


## Content

Title :	Directions on Hygiene Management of Distant Water Fishing Vessels Registered to Export Fishery Products to the European Union 
Date :	2015.06.02
Legislative :	<ol style="list-style-type: none"><li>1. Promulgated on 16 April 2007 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 0961330892.</li><li>2. Article 19 amended and promulgated on 29 April 2008 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 0971330884.</li><li>3. Part of these directions, Appendix 2 of Article 5 and Appendix 6 of Article 11 amended and promulgated on 20 November 2009 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 0971333045.</li><li>4. Appendix 1 and 2 of Article 5 and Appendix 3 of Article 6 amended and promulgated on 4 August 2010 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 0991331006.</li><li>5. Part of these directions and Appendix 4 of Article 8 amended and promulgated on 17 January 2011 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 1001330940.</li><li>6. Article 3, Article 20, Appendix 1 and 2 of Article 5, Appendix 3 of Article 6, Appendix 6 of Article 11 and Appendix 7 of Article 19 amended and promulgated on 12 September 2012 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 1011331038 and became effective on the date of promulgation.</li><li>7. Article 2, 5, 6, 7, 8, 9 and 10 amended and promulgated on 2 June 2015 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 1041334216A and became effective on the date of promulgation.</li></ol>
Content :	<p>Article 1</p> <p>To promote hygiene management of distant water fishing vessels and ensure hygiene of catch and fishery products and export procedures meeting with provisions set forth in Regulation (EC) No. 852/2004 and Regulation (EC) No. 853/2004 by the European Union, these directions are hereby enacted by the Council of Agriculture, Executive Yuan (hereinafter referred to as "this Council").</p> <p>Article 2</p> <p>Fisheries Agency of this Council is the competent authority of these directions. If deemed necessary, Fisheries Agency may commission or designate domestic/foreign authority (hereinafter referred to as "the designated authority" ) to conduct hygiene inspection of distant water fishing vessels and captains' hygiene training.</p> <p>The designated authority shall conduct hygiene inspection of distant water fishing vessels and captains' hygiene training in accordance with these directions.</p> <p>The designated authority conducting the hygiene inspection of distant water fishing vessels and captains' hygiene training shall be proclaimed by Fisheries Agency of this Council.</p>

### Article 3

Any fishery operator who intends to export catch of distant water fishing vessels to the European Union shall complete the registration of such vessels as approved fishing vessels exporting catch to the European Union (hereinafter referred to as “the European Union registered distant water fishing vessels” ), and the hygiene of catch shall meet relevant regulations of the European Union.

In the event that catch of distant water fishing vessels are transshipped by carrier vessels and exported to the European Union, such carrier vessels shall be registered as approved carrier vessels as well, and the hygiene of catch shall meet relevant regulations of the European Union.

In the event that catch to be exported to the European Union are directly stored in frozen warehouses and then exported in containers, such frozen warehouses shall be in accordance with Standards for Frozen Warehouses Exporting Food promulgated by Bureau of Standards, Metrology and Inspection of Ministry of Economic Affairs.

### Article 4

Any fishery operator applying for registration of his/her distant water fishing vessels shall pass the hygiene inspection which includes document review and on-board inspection.

### Article 5

Any fishery operator applying for registration of his/her distant water fishing vessels shall, through the distant water fishery organization he/she belongs to, submit the application form (format as shown in Appendix 1) together with the following documents to Fisheries Agency of this Council or the designated authority for document review.

- (1) Basic information;
- (2) Copy of the fishing license;
- (3) Layout of holds;
- (4) Organization chart of crew and illustration of positions in charge of hygiene management;
- (5) Captain' s certificate of hygiene training;
- (6) Catch-processing equipments and illustration of hygiene management;
- (7) Self-inspection sheets of the European Union registered distant water fishing vessels;
- (8) Attachments (please number pages in accordance with the following sequence)
  - i. Photos of catch-processing equipments;
  - ii. Monitoring record of fish hold temperature of the latest trip. Any distant water fishing vessel newly installed with a temperature recorder shall submit a testing record of its freezer equipments;
  - iii. Plans of Hygiene Management and Hazard Analysis and Critical Control Points (HACCP);
  - iv. Others.

Upon receiving applications from fishery operators, Fisheries Agency of this Council or the designated authority shall complete the document review within fifteen days and inform fishery operators to arrange on-board inspection. Where there' s any error in the submitted information or certificates are not in conformity with requirements, Fisheries Agency of this Council or the designated authority shall notify fishery operators to submit relevant supplementary document(s) within required timeframe. The application shall be rejected if no supplementary document(s) is

submitted within required timeframe.

The distant water fishery organization referred to in paragraph 1 shall be proclaimed and designated by Fisheries Agency of this Council.

#### Article 6

Fisheries Agency of this Council or the designated authority shall conduct on-board inspection within fifteen days after distant water fishing vessels applying for registration have passed the document review.

Criteria for on-board inspection are listed in Appendix 3 and shall include the item of interview with captains.

#### Article 7

Upon completion of on-board inspection, Fisheries Agency of this Council or the designated authority shall inform fishery operators of the result in written within seven days. Where there is disagreement with the result, Fisheries Agency of this Council may invite authorities concerned, scholars and experts to establish a Review Committee for re-examination. Upon reaching the conclusion of re-examination, Fisheries Agency of this Council shall inform fishery operators in written within seven days.

Fisheries Agency of this Council shall compile distant water fishing vessels that pass the hygiene inspection as lists and forward to the Bureau of Standards, Metrology and Inspection of Ministry of Economic Affairs for submission to the European Union for registration as approved distant water fishing vessels exporting catch to the European Union. For distant fishing vessels that fail the on-board hygiene inspection, fishery operators of such vessels may improve deficiencies and apply for re-evaluation within three months upon the receipt of notification of failure. Fisheries Agency of this Council or the designated authority shall arrange on-board re-evaluation within fifteen days upon the receipt of applications from fishery operators. In the event of failing re-evaluation, fishery operators shall re-submit applications in accordance with Article 5.

#### Article 8

The registration is valid for five years. Fishery operators shall re-apply for hygiene inspection within six months before the date the registration expires in accordance with Article 5.

Any European Union registered distant water fishing vessels shall undertake triennial follow-up hygiene inspection after the date it passed the hygiene inspection. If deemed necessary, the frequency of triennial follow-up hygiene inspection may be increased. The principle items of triennial follow-up hygiene inspection are hygiene maintenance (as shown in Appendix 4). Where a European Union registered distant water fishing vessel fails the triennial follow-up hygiene inspection, its fishery operator may apply for re-evaluation within three months upon the receipt of notification of failure. Fisheries Agency of this Council or the designated authority shall arrange on-board re-evaluation within fifteen days upon receipt of application from the fishery operator.

For any European Union registered distant water fishing vessel that fails the triennial follow-up hygiene inspection, its fishery operator shall re-apply in accordance with Article 5.

#### Article 9

Captains of distant water fishing vessels applying for registration shall receive a minimum of 12-hour hygiene training from Fisheries Agency of this Council or the designated authority. Hygiene training shall include relevant regulations of the European Union, items for fishing vessel hygiene inspection,

hygiene management of catch, and notes for signing the Captain Declaration.

#### Article 10

Captains who passed hygiene training shall be issued certificates with the validity of five years by Fisheries Agency of this Council. Fisheries Agency shall also file qualified captains' signatures.

Within the validity of captains' certificates, Fisheries Agency of this Council or the designated authority may conduct training in latest hygiene management regulations by correspondence for the needs of hygiene management.

Captains shall apply to Fisheries Agency of this Council or the designated authority for re-training within six months before the validity of certificates expires. The re-training shall be for a minimum of six hours, and certificates shall be renewed for captains who pass the re-training.

#### Article 11

Fisheries Agency of this Council may authorize trained and qualified captains to verify whether distant water fishing vessels on which the captains are employed and the catch comply with regulations of the European Union, in accordance with the Checklist for Captain Declaration (as shown in Appendix 5), so as to sign and issue the Captain Declaration (as shown in Appendix 6). The Captain Declaration shall be signed and written in triplicate.

The list of the authorized captains as referred to in the preceding paragraph shall be proclaimed by Fisheries Agency of this Council.

#### Article 12

In case of any of the following circumstances, captains of the European Union registered distant water fishing vessels shall not sign and issue the Captain Declaration.

- (1) Captains do not receive training pursuant to Article 10;
- (2) Catch temperature during fishing operation is not in compliance with regulations of the European Union;
- (3) Environment of fishing vessel is contaminated during fishing operation;
- (4) Catch is not harvested by the fishing vessel on which the captain is employed.

In the event that any captain signs and issues the Captain Declaration without complying with these directions and the non-compliance is considered as severe, Fisheries Agency of this Council may request the Bureau of Standards, Metrology and Inspection of Ministry of Economic Affairs to notify the European Union.

#### Article 13

In case of any of the following circumstances, Fisheries Agency of

this Council shall request the Bureau of Standards, Metrology and Inspection of Ministry of Economic Affairs to notify the European Union to delete the fishing vessel from the list of European Union registered distant water fishing vessels.

- (1) Fishery operators apply for hygiene inspection with forged documents;
- (2) Fishery operators do not re-apply for hygiene inspection or fail to pass the triennial follow-up hygiene inspection pursuant to Article 8, except for fishing vessels that are under re-evaluation;
- (3) Fishery operators fail to take corrective actions for catch that has been verified as non-conformity to the hygiene regulations of the European Union, and the non-conformity is considered as severe;
- (4) Loss of fishing vessel;
- (5) Fishery operators do not submit relevant information pertaining to hygiene of catch pursuant to these directions.

#### Article 14

Distant water fishing vessels whose registrations are being deleted by the European Union may re-apply for hygiene inspection one year after the date that the Bureau of Standards, Metrology and Inspection of Ministry of Economic Affairs notify the European Union for deletion.

Captains who are being notified to the European Union by the Bureau of Standards, Metrology and Inspection of Ministry of Economic Affairs as not qualified to issue the Captain Declaration may re-apply for training 3 years after the date of notification.

#### Article 15

For any European Union registered distant water fishing vessel, if there is any change of its information, fishery operator and vessel name, the fishery operator shall submit certification document of such changes to Fisheries Agency of this Council.

In the event that the change of information in the preceding paragraph is related to the registration of the European Union, Fisheries Agency of this Council shall forward to the Bureau of Standards, Metrology and Inspection of Ministry of Economic Affairs for notification to the European Union.

#### Article 16

Fishery operators shall submit or fax the sales information lot by lot within seven days after the catch of European Union registered distant water fishing vessel are exported to the European Union.

Captains shall submit records of fishing vessels temperature of each voyage to fishery operators for filing. Such records shall be the ground for future hygiene inspection and triennial follow-up hygiene inspection.

#### Article 17

In the event that catch of European Union registered distant water fishing vessel are exported to non European Union regions, the hygiene inspection of fishing vessels, training of captains and the issue of the Captain Declaration may be conducted in accordance with theses directions.

#### Article 18

(Repealed.)

Article 19

In the event that catch of distant water fishing vessels are sold to processing plants that export fishery products to the European Union, the Sale Record of Catch Exported to the European Union (as show in Appendix 7) shall be submitted to fish trade agents, processing plants exporting fishery products to the European Union, and the Bureau of Standards, Metrology and Inspection of Ministry of Economic Affairs in sequence.

Article 20

For catch of distant water fishing vessels directly stored in frozen warehouses and then loaded in containers or directly loaded in containers for exportation to the European Union, fishery operators shall notify Fisheries Agency of this Council ten days before such catch are transported to the Republic of China and submit records of catch temperature to Fisheries Agency of this Council to forward to the Bureau of Standards, Metrology and Inspection of Ministry of Economic Affairs for conducting inspection of catch and issue of hygiene certificates.

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Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System