

Content

Title :	Act for Distant Water Fisheries <b>Ch</b>
Date :	2016.07.20
Legislative :	The full text of 47 Articles promulgated on July 20, 2016 by Presidential Order Hua-Tsung (1) Yi-Tzu No. 10500079291.
Content :	<p>Chapter I: General Principles</p> <p>Article 1 This Act is enacted to ensure the conservation of marine fisheries resources, strengthen distant water fisheries management, curb illegal, unreported, and unregulated (hereinafter referred to as IUU) fishing, and improve traceability of catches and fisheries products, so as to promote the sustainable operation of distant water fisheries.</p> <p>Article 2 Matters related to distant water fisheries shall be governed by this Act. Matters not stipulated in this Act shall be governed by the Fisheries Act.</p> <p>Article 3 The competent authority of this Act shall be the Council of Agriculture, Executive Yuan.</p> <p>Article 4 Terms used in this Act shall be defined as follows: (1) "Fishing" means activities of searching for, attracting, or catching marine fisheries resources, transshipping/transporting, landing, storing, processing or packaging catches or fisheries products, or providing supply. (2) "Fishing vessel" means any vessel that conducts fishing. (3) "Distant water fisheries" means using any fishing vessel to conduct fishing in the high seas or in internal waters, territorial seas and the exclusive economic zones of other countries (hereinafter referred to as "waters under national jurisdictions of other countries"). (4) "Marine fisheries resources" means marine living resources that can be utilized in fisheries. (5) "Distant water fisheries operator" means any person that operates distant water fisheries. (6) "Distant water fisheries employee" means any crew member of a fishing vessel and any other person that catches, lands or transships catches or fisheries products for any distant water fisheries operator. (7) "Industry related to distant water fisheries" means relevant industry that engages in the processing, transporting, storing, purchasing, selling, selling on assignment, or export trade. (8) "International fisheries organization" means any international fisheries management organization or regional or sub-regional fisheries management organization established in accordance with international conventions, treaties or agreements in which the Republic of China participates. (9) "Conservation and management measures" means Recommendations or Resolutions that are adopted by international fisheries organizations and are in force and binding to conserve and manage marine fisheries resources. (10) "Transshipment at-sea" means transferring catches or</p>

fisheries products from a fishing vessel or a vessel to another fishing vessel or vessel in waters outside of port areas.

(11) "Transshipment in-port" means transferring catches or fisheries products from a fishing vessel or a vessel to another fishing vessel or vessel in waters inside of port areas.

(12) "Landing in-port" means landing catches or fisheries products in waters inside of port areas.

(13) "Observer" means any person dispatched by the competent authority, international fisheries management organizations, or countries which the fisheries cooperation is engaged with to conduct observation, verification, data collection, sampling and other relevant missions on board any fishing vessel.

(14) "Illegal fishing" means fishing activities:

i. conducted by national or foreign fishing vessel in waters under the jurisdiction of a State without the permission of that State, or in contravention of its laws and regulations;

ii. conducted by any fishing vessel flying the flag of States that are parties to a relevant international fisheries organization, but operate in contravention of conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or

iii. in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant international fisheries organization.

(15) "Unreported fishing" means fishing activities:

i. that have not been reported or have been misreported to the relevant national authority, in contravention of national laws and regulations; or

ii. undertaken in the area of competence of a relevant international fisheries organization and that have not been reported or have been misreported in contravention of the reporting procedures of that organization.

(16) "Unregulated fishing" means fishing activities:

i. in the area of application of a relevant international fisheries organization that are conducted by fishing vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

ii. in areas or for fish stocks in relation to which there are no applicable international conservation and management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international laws .

(17) "Flag State" means the State whose flag a vessel flies or is entitled to fly.

(18) "Exclusive Economic Zone" means the sea area contiguous to the outer limits of the territorial sea and to a distance measuring outwardly 200 nautical miles from the baseline of the territorial sea.

## Article 5

The competent authority shall, taking reference with international conventions, treaties, agreements and conservation and management measures, draw up and promulgate national plans of actions on the following matters with the pre-cautionary principle, ecosystem based approach and the best available scientific advice:

(1) Conservation, management, utilization and maintenance of maximum sustainable yield (MSY) of marine fisheries resources.

(2) Measures in response to the change of marine fisheries resources and marine ecosystem.

(3) Goals for sustainable operation, development strategies and implementing steps for distant water fisheries.

(4) Measures to balance the fishing capacity and the marine

fisheries resources.

(5) Measures to guide, assist and subsidize the distant water fisheries operators, distant water fisheries employees and the industry related to distant water fisheries in response to the structure adjustment of the distant water fisheries.

(6) Establishment of a system of supervision and management of distant water fisheries and training of human resources.

(7) Training of human resources for the distant water fisheries and development of relevant technologies and equipment.

(8) Cooperation with other countries and international fisheries organizations.

(9) Prevention, deterrence and elimination of IUU fishing.

(10) Other matters necessary for effective control and management of distant water fisheries.

## Chapter II: Distant Water Fisheries Permit and Management

### Article 6

Any person with the nationality of the Republic of China who intends to engage in distant water fisheries shall obtain the fishing license pursuant to the Fisheries Act and apply to the competent authority for the issuance of distant water fisheries permit.

Regulations on the qualifications for application, terms and conditions, required documents, application procedure, period, the total allowable numbers, tonnages or fish hold capacities of fishing vessels, the total allowable catches, conditions for revocation, and other requirements of the distant water fisheries permit referred to in preceding paragraph shall be prescribed by the competent authority.

### Article 7

In case that any applicant referred to in Article 6, paragraph 1 has any of the following circumstances, the issuance of the distant water fisheries permit shall be denied:

(1) A person is declared incompetent or limited capacity;

(2) A person is subject to the order of the commencement of guardianship or assistance, and such order is not yet revoked;

(3) A person is declared bankrupt and having not yet resume his/her rights;

(4) A person is sentenced imprisonment for violating this Act, the Fisheries Act or the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels 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;

(5) A person is sentenced to a short-term imprisonment or criminal fine for violating this Act, the Fisheries Act or the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels and such sentence is not yet executed, not executed completely or 2 years have not passed since such sentence is executed completely;

(6) A person whose fishing vessel is sentenced to revocation or withdrawal of fishing license pursuant to this Act or the Fisheries Act and 2 years have not passed since such sentence is executed completely;

(7) The fishing vessel that applies for the distant water fisheries permit is sentenced to a fine pursuant to this Act, the Fisheries Act or the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels and such fine is not paid completely;

(8) The fishing vessel that applies for the distant water fisheries permit is sentenced to suspension of its fishing license pursuant to this Act or the Fisheries Act, and such sentence is not executed completely.

#### Article 8

In any of the following circumstances, the competent authority shall deny the issuance of the distant water fisheries permit. For the distant water fisheries permit that has been issued, the competent authority shall adjust, limit, or revoke:

- (1) The restriction placed by conservation and management measures is changed;
- (2) In responses to the conclusion as a result of consultation between the Republic of China and other countries or international fisheries organizations;
- (3) The fishing vessel is subject to a voluntary or interim conservation and management measure adopted by an international fisheries organization under establishment;
- (4) The country with which the fishing vessel engages in fisheries cooperation is incapable of controlling and managing foreign fishing vessels fishing in the waters under its national jurisdiction.
- (5) The country with which the fishing vessel engages in fisheries cooperation is listed on the IUU fishing non-cooperating countries list or is subject to a letter of identification for more than 2 years by other countries, international fisheries organizations, or other economic integrated organizations;
- (6) Where it's necessary for the management of marine fisheries resources.

#### Article 9

Any fishing vessel of distant water fisheries shall be installed with vessel monitoring system (hereinafter referred to as VMS) and electronic logbook system (hereinafter referred to as E-logbook) before leaving ports.

Regulations on the management and guidance of the VMS and E-logbook referred to in the preceding paragraph, the electronic navigational chart and monitoring center shall be prescribed by the competent authority.

#### Article 10

Any fishing vessel of distant water fisheries shall comply with conservation and management measures and international standards for fishing on the high seas.

The competent authority shall prescribe regulations on the following matters with respect to the conservation and management measures and international standards for fishing on the high seas referred to in the preceding paragraph:

- (1) Fishing areas and periods; and prohibited fishing areas and periods;
- (2) Fishing gears, methods, and mitigation measures for bycatch;
- (3) Restriction(s) or prohibition(s) on catch species;
- (4) Limit on or quota of catch quantities;
- (5) Filling in and submission of logbooks and catch reports;
- (6) Marking of fishing vessels and fishing gears, and reporting of vessels positions;
- (7) Disposal of catches;
- (8) Designation and management of ports for landing or transshipping;
- (9) Observation or inspection of fishing vessels operation;
- (10) Issuance of catch certificate documents;
- (11) Open and transparent management of data related to fishing vessels and fishing; and
- (12) Other matters concerning management of fishing vessels operation.

Regulations on the matters referred to in the preceding

subparagraphs shall be periodically reviewed in accordance with the needs of distant water fisheries operation.

#### Article 11

Any fishing vessel of distant water fisheries shall not conduct transshipment in-port or at-sea or landing in-port without authorization of the competent authority.

The competent authority may dispatch personnel or commission professional institution(s) to conduct on-site inspection on the operations referred to in the preceding paragraph which shall not be refused, evaded, or obstructed.

Regulations on the qualifications for application, terms and conditions, required documents, application procedures, matters to be reported and the reporting procedure of transshipment at-sea or in-port or landing in-port, inspection, conditions for revocation and other requirements of the authorization referred to in paragraph 1 shall be prescribed by the competent authority.

#### Article 12

Any fishing vessel shall not enter into waters under national jurisdictions of other countries for fishing. Notwithstanding this provision, for any fishing vessel that has obtained authorization from other countries and has been approved by the competent authority of the Republic of China to engage in fisheries cooperation may fish in the exclusive economic zones of other countries.

Distant water fisheries operators and distant water fisheries employees of any fishing vessel referred to in the preceding paragraph shall comply with the terms and conditions for approval of the competent authority and relevant regulations of the country that the fisheries cooperation is engaged with, and shall not evade, obstruct or deny the inspection conducted by the country that the fisheries cooperation is engaged with.

Regulations on the qualifications for application, terms and conditions, required documents, application procedures, validity of approval, conditions for revocation of approval, items of fisheries activities, manners of cooperation, and other requirements of the approval referred to in paragraph 1 shall be prescribed by the competent authority.

#### Article 13

Any person with the nationality of the Republic of China shall not conduct any of the following serious infringements:

- (1) Conducting distant water fisheries without the fishing license or the distant water fisheries permit referred to in Article 6, paragraph 1, or conducting distant water fisheries during the period of the execution of suspension of the fishing license;
- (2) Leaving ports without installing VMS or E-logbook system onboard fishing vessels, in violation of Article 9, paragraph 1;
- (3) Conducting transshipment at-sea, in-port or landing in-port without the authorization of the competent authority, in violation of Article 11, paragraph 1;
- (4) Engaging in fisheries cooperation without the approval of the competent authority in violation of Article 12, paragraph 1, and fishing in waters under national jurisdictions of other countries;
- (5) Falsifying, altering or concealing Chinese/English vessel name, names of registry port, CT numbers, or international radio call sign;
- (6) Intentionally causing the VMS to misreport vessels positions or rendering VMS non-functional when fishing;

- (7) Continuing catching species with catch limit when the total catch of such species of the fishing vessel has exceeded 20 percent of the quota allowed by the competent authority pursuant to the regulations prescribed in accordance with subparagraph (4) of Article 10, paragraph 2;
- (8) Fishing in prohibited fishing areas or periods;
- (9) Using fishing gears prohibited by the competent authority;
- (10) Engaging in fishing activities that are not authorized by the competent authority;
- (11) Fishing for, retaining, transshipping, landing or selling prohibited species;
- (12) Not submitting or filling in logbooks or catch reports, in violation of the regulations prescribed in accordance with Article 10, paragraph 2, or seriously misreporting logbooks or catch reports;
- (13) Refusing, evading, or obstructing any observer dispatched by the competent authority, the international fisheries organization or the country that the fisheries cooperation in engaged with for carrying out his/her observing duties;
- (14) Refusing, evading, or obstructing any inspection referred to in Article 11, paragraph 2; Article 12, paragraph 2; Article 16; Article 17, paragraph 1; or Article 25, paragraph 1; or any audit conducted pursuant to the regulations prescribed in accordance with Article 25, paragraph 4;
- (15) Falsifying, altering, destroying or concealing evidence related to violation of this Act;
- (16) Providing catch certificate documents of a fishing vessel for the use of catches of other fishing vessel(s), or using catch certificate documents of other fishing vessel(s) for selling catches caught by itself;
- (17) Falsification or alteration of catch certificate documents, using catch certificate documents not issued to the catch concerned, or intentionally using catch certificate documents that are falsified or altered to sell catches or fisheries products;
- (18) Participating in joint fishing with, transshipping with or supplying any fishing vessel listed on the IUU fishing vessel lists of the international fisheries organizations or stateless vessel;
- (19) Trading (purchasing, selling, marketing, etc.) or processing catches or fisheries products with the knowledge that such catches or fisheries products originate from any of the following circumstances:
  - i. Any circumstances as stipulated in subparagraph (1) to the preceding subparagraph of this Article; or
  - ii. Catches are caught by any fishing vessel listed in the IUU fishing vessel lists of the international fisheries organizations.

The prohibited fishing periods and areas referred to in subparagraph (8), the prohibited fishing gears referred to in subparagraph (9), the prohibited species referred to in subparagraph (11) and the IUU fishing vessel lists referred to in subparagraph (18) and item ii of subparagraph (19) of the preceding paragraph shall be promulgated by the competent authority.

#### Article 14

In addition to the serious infringements stipulated in Article 13, paragraph 1, any person with the nationality of the Republic of China shall not engage in or support IUU fishing, either.

In the event that a person with the nationality of the Republic of China hired on board any foreign flagged fishing vessel is suspected to be involved in IUU fishing referred to in the preceding paragraph, the competent authority shall, without

prejudice to the sovereignty of the flag State, take appropriate measures to prevent IUU fishing.

The competent authority shall cooperate with international fisheries organizations or other countries to prevent and deter any person with the nationality of the Republic of China from engaging in or supporting IUU fishing.

#### Article 15

For the fisheries management or for the submission of relevant data of individual fishing vessel to relevant international fisheries organizations, the competent authority may request the distant water fisheries operators, distant water fisheries employees or data holders to provide information on catch quantities, fishing area(s), fishing period(s), fishing gear(s), fishing method(s), vessel positions, operational level data, transshipment, landing, selling and other relevant information. Distant water fisheries operators, distant water fisheries employees or data holders shall not refuse such request.

#### Article 16

The competent authority or the Coast Guard Administration may, pursuant to their mandates, dispatch personnel to inspect fishing vessel(s), catches and fisheries products, fishing gear(s), account books and other objects, as well as to question distant water fisheries operators, distant water fisheries employees or data holders who shall not refuse, evade or obstruct such request.

#### Article 17

Any fishing vessel fishing on the high seas shall accept the boarding and inspection conducted by the inspectors designated by the countries that conduct reciprocal high seas boarding and inspection with the Republic of China or inspectors from vessels designated by international fisheries organizations, and distant water fisheries operators and employees shall not evade, obstruct, or refuse.

The international fisheries organizations or countries that conduct reciprocal high seas boarding and inspection with the Republic of China and the names and registration number of the designated vessels referred to in the preceding paragraph shall be promulgated by the competent authority.

#### Article 18

In the event that sufficient and concrete evidence indicates a fishing vessel being involved in any serious infringement as stipulated in Article 13, paragraph 1, the competent authority shall order such fishing vessel to stop fishing and navigate to the designated port within the required timeframe for further inspection.

The expense incurred from fishing vessel navigating, entry into port, inspection and other activities referred to in the preceding paragraph shall be borne by the distant water fisheries operator concerned.

#### Article 19

The competent authority shall immediately conduct inspection upon the fishing vessel entering into the designated port in accordance with paragraph 1 of the preceding Article, and shall complete the investigation within 30 days upon such vessel entering into the port. If necessary, the period for the investigation may be extended for once and shall be limited to 30 days.

The fishing vessel concerned shall not leave the designated port before the competent authority completes the investigation pursuant to the preceding paragraph.

#### Article 20

In case of any of the following circumstances, the fishing vessel shall not leave the port:

- (1) The fishing vessel whose fishing license is revoked;
- (2) The fishing vessel whose fishing license is suspended and is still during the period of punishment.

In case that any fishing vessel has left the port before the suspension or revocation of the fishing license is imposed upon it by the competent authority pursuant to Article 35, paragraph 3; Article 36, paragraph 1 and 3; Article 40, paragraph 2; Article 41, paragraph 1 and 2; or Article 42, paragraph 3, the competent authority shall order such fishing vessel to navigate to the designated port within the required timeframe.

#### Article 21

For any fishing vessel that leaves the port against the provisions stipulated in Article 9, paragraph 1; Article 19, paragraph 2; and Article 20, paragraph 1, the competent authority may commission the Coast Guard Administration to take appropriate measures to stop such fishing vessel from leaving the port. In case that such fishing vessel resists, the Coast Guard Administration may take compulsory measures. For such fishing vessel that has left the port, the competent authority shall order such fishing vessel to navigate to the designated port within required timeframe.

#### Article 22

Any foreign flagged fishing vessel that intends to enter into ports of the Republic of China shall obtain permission from the competent authority, in addition to complying with regulations of shipping administration, customs, sanitary, immigration, inspection, quarantine and coast guard. In case of force majeure or in distress, the port entry of such fishing vessel may be granted after notification.

In any of the following circumstances, fishing vessels referred to in the preceding paragraph shall be denied from port entry:

- (1) The fishing vessel is listed on the IUU vessel list of other countries, international fisheries organizations, or other regional economic integrated organizations;
- (2) The flag State of the fishing vessel is identified as IUU fishing non-cooperating country or is subject to a letter of identification for more than 2 years by other countries, international fisheries organizations, or other regional economic integrated organizations;
- (3) The fishing vessel is involved in IUU fishing;
- (4) Where there's written request from the flag State to prohibit such fishing vessel from entering into port;
- (5) Where such fishing vessel is stateless.

Regulations on the qualifications for application, terms and conditions, required documents, procedures for application, conditions on revocation, advance notification of landing, area and time for landing, management and other requirements of the permission referred to in paragraph 1 shall be prescribed by the competent authority.

#### Article 23

The competent authority may dispatch personnel to the fishing vessels referred to in the preceding Article, relevant offices, storages, or other sites to inspect the catches or fisheries



products, account books and other objects, as well as to question any relevant party who shall not refuse, evade or obstruct. If necessary, such inspection may be conducted by the competent authority together with personnel from the coast guard authorities or police authorities. The course of the preceding inspection shall be recorded and filed for reference.

In case that there' s sufficient evidence indicating that the fishing vessel has conducted or supported IUU fishing after the inspection as referred to in the preceding paragraph, the competent authority shall deny such fishing vessel from unloading, transshipment, packaging, processing of catches, refueling, supplying, maintenance or using other port services, and prohibit such fishing vessel from leaving the port. Notwithstanding this provision, the activities of supplying the crew members for maintenance of basic living needs shall be exempted.

When carrying out the inspection, the officer referred to in paragraph 1 shall produce his/her identification and the authorization specifying the scope of inspection. In case that the officer fails to do so, the person to be inspected may refuse such inspection.

Information related to the inspection result referred to in paragraph 2 shall be notified to the flag State of the fishing vessel concerned, relevant countries and the international fisheries organizations by the competent authority.

In case that the competent authority has notified pursuant to the preceding paragraph and does not receive within 60 days the written request from the flag State, relevant countries or international fisheries organizations as referred to in the preceding paragraph, or agreement is not reached after bilateral consultation, it may order such fishing vessel to leave the port within required timeframe.

#### Article 24

In case that any distant water fisheries operator meets one of the following conditions, the competent authority shall categorize his/her fishing vessels as high risk fishing vessels, and shall implement special management measures:

- (1) Any serious infringement stipulated in Article 13, paragraph 1, is conducted by the distant water fisheries operator.
- (2) Fines accumulated for over 2 million New Taiwan Dollars within 3 years have been imposed upon the distant water fisheries operator for violating this Act.
- (3) The accumulated period of suspension of the fishing license is for more than 3 months for violating this Act, and 3 years have not passed since such punishment is executed completely.

Regulations on the limit on fisheries cooperation, dispatch of observer, reporting frequency of vessel positions, catch reporting, landing inspection, transshipment limitation, periods of special management, and other requirements provided in the special management measures referred to in the preceding paragraph shall be prescribed by the competent authority.

In case that the distant water fisheries operator of any high risk fishing vessel referred to in paragraph 1 is changed, the competent authority shall still implement the special management measures in accordance with the regulations referred to in the preceding paragraph on such fishing vessel.

#### Article 25

The competent authority may dispatch personnel to the vessels,

offices, storages or other relevant sites of the industry related to distant water fisheries to inspect the catches or fisheries products, account books and other objects, as well as to question any relevant party who shall not refuse, evade or obstruct. If necessary, such inspection may be conducted by the competent authority together with personnel from the coast guard authority or police authorities. The course of the preceding inspection shall be recorded and filed for reference.

When carrying out the inspection, the officer referred to in the preceding paragraph shall produce his/her identification and the authorization specifying the scope of inspection. In case that the officer fails to do so, the person to be inspected may refuse such inspection.

Industry related to distant water fisheries that intends to conduct export trade of catches or fisheries products of distant water fisheries shall establish the code of conduct and operating procedures for purchase and sales of catches or fisheries products and submit to the competent authority for prior approval.

Regulations on the qualification of applicants referred to in the preceding paragraph, species of catches or fisheries products, required documents, conditions for approval and revocation, declaration, write-off of sales and audit of purchasing and selling, and other requirements shall be prescribed by the competent authority.

The application of issuance of catch certificate documents shall only be conducted by industry related to distant water fisheries that has obtained approval to conduct export trade of catches or fisheries products of distant water fisheries from the competent authority pursuant to paragraph 3.

Regulations on the application procedure, terms and conditions, required documents, write-off of sales and other requirements shall be prescribed by the competent authority.

#### Article 26

Any distant water fisheries operator intending to hire abroad any foreign crew member shall obtain permission from the competent authority. Such hiring shall be done by the distant water fisheries operator itself or through domestic intermediaries or agents (hereinafter referred to as the agents).

The agents referred to in the preceding paragraph shall be authorized by the competent authority and shall deposit a certain amount of guarantee bond.

Regulations on the qualification of the foreign crew member, conditions for permission, required documents, rights and interests of the distant water fisheries operator and the foreign crew member, contents of contracts, conditions for authorization of the agents, period, management, conditions for revocation, rights and interests of the agents and the foreign crew members, contents of contracts, management responsibilities, the certain amount, submission and refund of the security, and other requirements as referred to in the preceding two paragraphs shall be prescribed by the competent authority.

#### Article 27

To strengthen the management of distant water fisheries and to promote the cooperation with other countries or international

fisheries organizations, the competent authority shall assign and dispatch staff stationed abroad responsible for fisheries.

#### Article 28

The competent authority shall establish an integrated comprehensive information system on distant water fisheries to strengthen the management of the distant water fisheries.

#### Article 29

The competent authority may commission professional institution(s) to conduct the following matters:

- (1) Providing advice and guidance to the distant water fisheries;
- (2) Monitoring and management of vessel position;
- (3) Development and management of E-logbook reporting software;
- (4) Collection, statistics, analysis and utilization of catch data;
- (5) Transshipment in-port or landing in-port inspection;
- (6) Dispatch of observers;
- (7) Assisting fisheries associations to implement fisheries management policy and measures prescribed by the competent authority.

### Chapter III The Development and Guidance on Distant Water Fisheries

#### Article 30

The competent authority shall draw up and implement the distant water fisheries development plan.

The drawing up of the plan referred to in the preceding paragraph shall be taken into account the fisheries production, livelihood of fishermen, and marine ecology so as to develop the system of sustainable operation of Taiwan distant water fisheries.

#### Article 31

For any distant water fisheries operator who intends to conduct exploratory fishing to develop new fishing gear(s), fishing method(s) or fishing ground(s), such operator shall submit an exploratory fishing plan and apply to the competent authority for permission.

The competent authority may request the distant water fisheries operator referred to in the preceding paragraph to conduct the exploratory fishing with the designated research institute.

Regulations on the qualification of the operator, terms and conditions, contents of the plan on exploratory fishing, conditions for permission, period, conditions for revocation, management referred to in paragraph 1 and other requirements shall be prescribed by the competent authority.

#### Article 32

The competent authority may assist private sectors to conduct the following matters:

- (1) Negotiations related to distant water fisheries or conclusion of agreement(s) with other countries, international fisheries organizations, or foreign organizations or institutes related to fisheries;
- (2) Exchange of international information, technology and human resource related to distant water fisheries;
- (3) Standardization of international technology, joint researches and cooperation on technology related to distant water fisheries;
- (4) Holding international academic meetings or exhibitions

related to distant water fisheries;  
(5) Researches on overseas markets for fisheries products, or the dissemination of information related to distant water fisheries;  
(6) Training of native or foreign crew members, officers or observers;  
(7) Other international cooperation matters related to the distant water fisheries.

#### Article 33

To encourage distant water fisheries operators to introduce and implement new technology and new technique related to conserving marine ecosystem environment or sustainable operation of distant water fisheries, the competent authority may give appropriate financial aid depending on the financial situations of the government.

#### Article 34

To promote the development of researches on science and technology related to distant water fisheries, the competent authority may conduct the following matters:

- (1) International cooperation on researches and assessment on marine fisheries resources;
- (2) Exploitation of new fishing grounds;
- (3) Researches on marine fisheries biodiversity.
- (4) Researches and evaluation on sustainable operation of distant water fisheries.

### Chapter IV Penal Provisions

#### Article 35

Any offender who commits any of the following violations shall be subject to imprisonment of 3 years and under, or in lieu thereof or in addition thereto a criminal fine of 6 million to 30 million New Taiwan Dollars:

- (1) Not navigating to the designated port within the required timeframe set by the competent pursuant to Article 18, paragraph 1 or Article 20, paragraph 2; or
- (2) Navigating the fishing vessel out of the port in violation of Article 21, and not navigating to the designated port within the timeframe designated by the competent authority.

In case that the representative of the legal person, or agent of the legal or natural person, or person hired by the legal or natural person, or other persons involved related to the legal or natural person commit the violations stipulated in the preceding paragraph for performing duties, in addition to punishing the offender(s), a fine as referred to in the preceding paragraph shall also be imposed upon the legal or natural person concerned.

In case that distant water fisheries operators or distant water fisheries employees commit, for the first time, any of the violations stipulated in paragraph 1, the competent authority may suspend fishing licenses of the distant water fisheries operators for 2 years and under, or revoke fishing licenses. In case that the distant water fisheries operators whose fishing licenses have been suspended for violating the provisions stipulated in paragraph 1 commits, for the second time, any of the violations stipulated in paragraph 1, the fishing licenses shall be revoked.

The competent authority may impose on any distant water fisheries employee that commits, for the first time, any of the violations stipulated in paragraph 1 the suspension of the Fishing Vessel Crew Identification and the Certificate of

Fishing Vessel Officers for 2 years and under or revocation. In case that the distant water fisheries employee whose Fishing Vessel Crew Identification and the Certificate of Fishing Vessel Officers have been suspended for violating the provisions stipulated in paragraph 1 commits, for the second time, any of the violations stipulated in paragraph 1, the Fishing Vessel Crew Identification and the Certificate of Fishing Vessel Officers shall be revoked.

#### Article 36

In case that any distant water fisheries operator or distant water fisheries employee commits any of the serious infringements stipulated in Article 13, paragraph 1, a fine shall be imposed upon the distant water fisheries operator concerned in accordance with the following provisions, and the fishing license may be suspended for 2 years and under or be revoked:

- (1) For fishing vessel 500 Gross Tonnage (GT) and above: a fine between 6 million and 30 million New Taiwan Dollars.
- (2) For fishing vessel 100 GT and above, and less than 500 GT: a fine between 4 million and 20 million New Taiwan Dollars.
- (3) For fishing vessel 50 GT and above, and less than 100 GT: a fine between 2 million and 10 million New Taiwan Dollars.
- (4) For fishing vessel less than 50 GT: a fine between 1 million and 5 million New Taiwan Dollars.

In case that the value of catches or fisheries products concerned exceeds the fine imposed pursuant to the provisions stipulated in the preceding paragraph, the amount of the fine for up to 5 times of the value of such catches or fisheries products shall be imposed.

In case that any distant water fisheries operator or distant water fisheries employee commits the same provision of serious infringement as stipulated in Article 13, paragraph 1, for 2 times within 3 years, or different serious infringements as stipulated in Article 13, paragraph 1 for 3 times within 3 years, a fine shall be imposed upon the distant water fisheries operator concerned in accordance with the following provisions and the fishing license shall be suspended between 2 and 3 years or be revoked:

- (1) For fishing vessel 500 GT and above: a fine between 9 million and 45 million New Taiwan Dollars.
- (2) For fishing vessel 100 GT and above, and less than 500 GT: a fine between 6 million and 30 million New Taiwan Dollars.
- (3) For fishing vessel 50 GT and above, and less than 100 GT: a fine between 3 million and 15 million New Taiwan Dollars.
- (4) For fishing vessel less than 50 GT: a fine between 1.5 million and 7.5 million New Taiwan Dollars.

In case that the value of catches or fisheries products concerned exceeds the fine imposed pursuant to the provisions stipulated in the preceding paragraph, the amount of the fine for up to 8 times of the value of such catches or fisheries products shall be imposed.

In case that any distant water fisheries employee who commits any of the serious infringements as stipulated in Article 13, paragraph 1, a fine shall be imposed upon the distant water fisheries employee concerned in accordance with the following provisions, and the Fishing Vessel Crew Identifications and the Certificate of Fishing Vessel Officers may be suspended for 2 years and under or be revoked:

- (1) For fishing vessel 500 GT and above: a fine between 1.2 million and 6 million New Taiwan Dollars.
- (2) For fishing vessel 100 GT and above, and less than 500 GT: a

fine between 800 thousand and 4 million New Taiwan Dollars.  
(3) For fishing vessel 50 GT and above, and less than 100 GT: a fine between 400 thousand and 2 million New Taiwan Dollars.  
(4) For fishing vessel less than 50 GT: a fine between 200 thousand and 1 million New Taiwan Dollars.

In case that any distant water fisheries employee commits the same provision of serious infringement as stipulated in Article 13, paragraph 1, for 2 times within 3 years, or different serious infringements as stipulated in Article 13, paragraph 1 for 3 times within 3 years, a fine shall be imposed upon the distant water fisheries employee concerned in accordance with the following provisions and the Fishing Vessel Crew Identifications and the Certificate of Fishing Vessel Officers shall be revoked:

(1) For fishing vessel 500 GT and above: a fine between 1.8 million and 9 million New Taiwan Dollars.  
(2) For fishing vessel 100 GT and above, and less than 500 GT: a fine between 1.2 million and 6 million New Taiwan Dollars.  
(3) For fishing vessel 50 GT and above, and less than 100 GT: a fine between 600 thousand and 3 million New Taiwan Dollars.  
(4) For fishing vessel less than 50 GT: a fine between 300 thousand and 1.5 million New Taiwan Dollars.

The value of catches or fisheries products as referred to in paragraph 2 and 4 shall be calculated based on the average prices of such catches or fisheries products in domestic fish market in the preceding 3 years.

#### Article 37

In case that any foreign flagged fishing vessel conducts any of the following activities, the offender shall be subject to a fine between 6 million and 30 million New Taiwan Dollars:

(1) Violating Article 22, paragraph 1, for entering into ports of the Republic of China without the permission from the competent authority.  
(2) Evading, obstructing or refusing any inspection conducted by the competent authority pursuant to Article 23, paragraph 1, or refusing to answer to the investigator's queries, or making false statement.

In case that any foreign flagged fishing vessel commits the same provision of violation referred to in the preceding paragraph for 2 times within 3 years, or different violations referred to in the preceding paragraph for 3 times within 3 years, a fine between 9 million and 45 million New Taiwan Dollars shall be imposed upon the offender.

In case that any foreign flagged fishing vessel violates regulations prescribed pursuant to Article 22, paragraph 3 concerning the advance notification of landing, area and time for landing, management and other requirements, a fine between 500 thousand to 2.5 million New Taiwan Dollars shall be imposed upon the offender.

In case that the fine imposed pursuant to the preceding three paragraphs is not paid within timeframe, the competent authority may prohibit the fishing vessel from leaving the port. Notwithstanding this provision, in case that equivalent collateral has been provided, prohibition of leaving ports may be exempted.

In case that the vessel is found out as a stateless vessel after the inspection conducted by the competent authority pursuant to Article 23, paragraph 1, such vessel and its catches and fisheries products shall be confiscated and the catches and

fisheries products shall be destroyed.

#### Article 38

Industry related to distant water fisheries that commits any of the following violations shall be subject to a fine between 6 million and 30 million New Taiwan Dollars:

(1) Conducting export trade of catches or fisheries products of distant water fisheries without prior approval, in violation of Article 25, paragraph 3;

(2) Conducting any serious infringement stipulated in subparagraph (11), (14), (15), (17) to (19) of Article 13, paragraph 1.

Industry related to distant water fisheries that engages in export trade of catches or fisheries products of distant water fisheries violates the regulations on declaration and write-off of sales of catches or fisheries products prescribed pursuant to Article 25, paragraph 4 shall be subject to a fine between 2 million and 10 million New Taiwan Dollars.

In case that industry related to distant water fisheries violates any provision stipulated in subparagraph (2) of paragraph 1 or in the preceding paragraph, the competent authority shall suspend its qualification of export of catches and fisheries products of distant water fisheries for 2 years and under, or revoke the qualification.

In case that the value of catches or fisheries products concerned exceeds the fine imposed pursuant to paragraph 1 or 2, the amount of the fine for up to 5 times of such catches or fisheries products shall be imposed.

In case that industry related to distant water fisheries commits the same violation stipulated in subparagraph (1) of paragraph 1, or the same provision of serious infringement stipulated in subparagraph (2) of paragraph 1, for 2 times within 3 years, or commits any violation stipulated in paragraph 1 for 3 times within 3 years, a fine between 9 million and 45 million New Taiwan Dollars shall be imposed, and the qualification of exporting catches and fisheries products of distant water fisheries shall be suspended between 2 and 3 years, or be revoked.

In case that the value of catches or fisheries products concerned exceeds the fine imposed pursuant to the preceding paragraph, the amount of the fine for up to 8 times of the value of such catches or fisheries products shall be imposed.

The value of catches or fisheries products as referred to in paragraph 4 and 6 shall be calculated based on the average prices of such catches or fisheries products in domestic fish market in the preceding 3 years.

#### Article 39

Any person with the nationality of the Republic of China, except for distant water fisheries operators, distant water fisheries employees or industry related to distant water fisheries, that commits any of the serious infringements stipulated in Article 13, paragraph 1 shall be subject to a fine between 3 million and 15 million New Taiwan Dollars. Any person with the nationality of the Republic of China, except for distant water fisheries operators, distant water fisheries employees or industry related to distant water fisheries, that violates Article 14, paragraph 1 shall be subject to a fine between 2 million and 10 million New Taiwan Dollars.

Any person with the nationality of the Republic of China, except for distant water fisheries operators, distant water fisheries employees or industry related to distant water fisheries, that commits the same provision of the serious infringement as stipulated in Article 13, paragraph 1 for 2 times within 3 years or different serious infringements as stipulated in Article 13, paragraph 1 for 3 times within 3 years shall be subject to a fine between 4.5 million and 22.5 million New Taiwan Dollars.

Any person with the nationality of the Republic of China, except for distant water fisheries operators, distant water fisheries employees or industry related to distant water fisheries, that violates Article 14, paragraph 1 for 3 times within 3 years shall be subject to a fine between 3 million and 15 million New Taiwan Dollars.

#### Article 40

Any person that refuses to provide information required by the competent authority pursuant to Article 15 shall be subject to a fine between 2 million and 10 million New Taiwan Dollars. Any person that commits such violation for 2 times within 1 year shall be subject to a fine between 3 million and 15 million New Taiwan Dollars.

Any distant water fisheries operator or distant water fisheries employee that refuses to provide information required by the competent authority pursuant to Article 15 shall be subject to the suspension of the fishing license of such distant water fisheries operator for 2 years and under, or revocation of the fishing license. Any distant water fisheries operator or distant water fisheries employee that commits such violation for 2 times within 1 year shall be subject to the suspension of the fishing license of such distant water fisheries operator for between 2 and 3 years or revocation of the fishing license.

Any distant water fisheries employee that refuses to provide information required by the competent authority pursuant to Article 15 shall be subject to suspension of the Fishing Vessel Crew Identifications and the Certificate of Fishing Vessel Officers for 2 years and under, or revocation of the Fishing Vessel Crew Identifications and the Certificate of Fishing Vessel Officers. Any distant water fisheries employee whose Fishing Vessel Crew Identifications and the Certificate of Fishing Vessel Officers has been suspended for refusing to provide information required by the competent authority pursuant to Article 15 commits such violation for 2 times within 1 year shall be subject to revocation of the Fishing Vessel Crew Identifications and the Certificate of Fishing Vessel Officers.

#### Article 41

In case that any distant water fisheries operator or distant water fisheries employee commits any of the following violations, such distant water fisheries operator shall be subject to a fine between 500 thousand and 2.5 million New Taiwan Dollars, and the fishing license may be suspended for 2 years and under, or be revoked:

- (1) Violating provisions of the regulations of the management of fishing vessels stipulated pursuant to Article 10, paragraph 2, except for those belonging to the serious infringements;
- (2) Violating provisions of the regulations concerning matters to be reported, the reporting procedures or inspection of transshipment and landing in-port stipulated pursuant to Article 11, paragraph 3;
- (3) Violating provisions of the regulations concerning items of fishing activities and manners of cooperation stipulated pursuant to Article 12, paragraph 3;



(4) Violating provisions of the special management measures concerning the limit on fisheries cooperation, reporting frequency of vessel positions, catch reporting, landing inspection, and transshipment limitation stipulated pursuant to Article 24, paragraph 2;

(5) Violating provisions of the regulations concerning conditions for permission, period and management stipulated pursuant to Article 31, paragraph 3.

Any distant water fisheries operator or distant water fisheries employee that commits the same violation as stipulated in the preceding paragraph for 2 times within 1 year or commits different violations as stipulated in the preceding paragraph for 3 times within 1 year shall be subject to a fine between 750 thousand and 3.75 million New Taiwan Dollars, and the fishing license of the distant water fisheries operator may be suspended for 2 years and under or be revoked.

Any distant water fisheries employee who commits any of the violations as referred to in paragraph 1 shall be imposed upon a fine between 100 thousand and 500 thousand New Taiwan Dollars and the Fishing Vessel Crew Identification and the Certificate of Fishing Vessel Officers may be suspended for 2 years and under, or be revoked.

Any distant water fisheries employee that commits the same violation as stipulated in paragraph 1 for 2 times within 1 year or commits different violations as stipulated in paragraph 1 for 3 times within 1 year shall be subject to a fine between 150 thousand and 750 thousand New Taiwan Dollars, and the Fishing Vessel Crew Identification and the Certificate of Fishing Vessel Officers may be suspended for 2 years and under or be revoked.

#### Article 42

Any person that conducts the business of the agents without authorization shall be subject to a fine between 4 million and 20 million New Taiwan Dollars.

The agents that violate the provisions of regulations on the rights and interests of the agents, the distant water fisheries operators and the foreign crew members, contents of the contract, or management responsibilities stipulated pursuant to Article 26, paragraph 3 shall be subject to a fine between 1 million and 5 million New Taiwan Dollars. The qualification for such agent may be revoked and the guarantee bond may be confiscated.

Any distant water fisheries operator that commits any of the following violations shall be subject to a fine between 50 thousand and 250 thousand New Taiwan Dollars, and the fishing license of such distant water fisheries operator may be suspended for 1 year and under:

(1) Hiring abroad foreign crew members without the permission from the competent authority, in violation of Article 26, paragraph 1;

(2) Violating the provisions of regulations on the rights and interests of the distant water fisheries operator and the foreign crew member, contents of the contract, or management responsibilities stipulated pursuant to Article 26, paragraph 3.

#### Article 43

In addition to the penalties imposed pursuant to Article 36, paragraph 1 and 2; Article 38, paragraph 1, 2 and 4; Article 39, paragraph 1; and Article 41, paragraph 1, the catches or fisheries products caught, transshipped, purchased or sold, or sold on assignment, or fishing gears involved may also be

confiscated, regardless of the ownership.

In addition to the penalties imposed pursuant to Article 36, paragraph 3 and 4; Article 38, paragraph 5 and 6; Article 39, paragraph 2; and Article 41, paragraph 2, the catches or fisheries products caught, transshipped, purchased or sold, or sold on assignment, or fishing gears involved shall be confiscated, regardless of the ownership.

In addition to the punishment imposed pursuant to Article 36, the concerned fishing vessels that caught or transshipped may also be confiscated, regardless of the ownership.

In case that the whole or part of such catches, fisheries products, fishing gears, or fishing vessels referred to in the preceding three paragraphs cannot be confiscated, the value of such catches, fisheries products, fishing gears or fishing vessels shall be collected.

#### Article 44

In the event that a fishing vessel confiscated pursuant to the provisions stipulated in Article 43 is listed on the IUU fishing vessel list(s) of the international fisheries organization(s), the competent authority may apply to the navigation authority for re-registry of its ownership, followed by the revocation of its registration and cancel of its certificate of nationality.

In the event that a fishing vessel whose fishing license was withdrawn pursuant to the Fisheries Act before this Act becomes effective and which is listed on the IUU fishing vessel list(s) of the international fisheries organization(s) fails to comply with the order of the competent authority to return to domestic ports within designated timeframe, the competent authority may confiscate such fishing vessel, and apply to the navigation authority for re-registry of its ownership, followed by the revocation of its registration and cancel of its certificate of nationality.

#### Article 45

The competent authority may announce the name(s), ID number, address of person or company, and Chinese/English name(s), and CT numbers of vessel(s) that are being punished pursuant to Article 35, paragraph 3 and 4, and Article 36 to 41, and the violation(s) being committed.

### Chapter V Supplemental Provisions

#### Article 46

Any person that has obtained permit pursuant to the Fisheries Act to fish in the high seas or the exclusive economic zones of other countries before this Act becomes effective shall be deemed, during the validity of such permit, as having obtained the distant water fisheries permit as referred to in Article 6, paragraph 1.

Any person that has obtained the authorization pursuant to the Fisheries Act to engage in fisheries cooperation with other countries before this Act becomes effective shall be deemed, during the validity of such authorization, as having obtained the approval as referred to in Article 12, paragraph 1.

Industry related to distant water fisheries that has engaged in the export of catches or fisheries products of distant water fisheries before this Act becomes effective shall apply for authorization within 2 months starting from the date that the regulations prescribed pursuant to Article 25, paragraph 4 become effective. Failing to apply within the timeframe or

exporting catches or fisheries products of distant water fisheries without authorization shall be punished pursuant to Article 38.

Any distant water fisheries operator that has been permitted to hire abroad foreign crew members pursuant to the Fisheries Act before this Act becomes effective shall be deemed as having obtained the permission pursuant to Article 26, paragraph 1 to hire abroad foreign crew members after this Act becomes effective.

Article 47

This Act shall become effective after six months of its promulgation.

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