


Content

Title :	Regulations for Issuing Distant Water Fisheries Catch Certificates 
Date :	2017.01.20
Legislative :	The full text of 29 articles promulgated by the Council of Agriculture, Executive Yuan on January 20, 2017, under Order No. Nong-Yu-Tsu 1061332071.
Content :	<p><b>Article 1</b> These Regulations are established pursuant to Article 10, paragraph 2 and Article 25, paragraph 6 of the Act for Distant Water Fisheries (hereinafter referred to as “the Act” ).</p> <p><b>Article 2</b> The competent authority may commission the Fisheries Agency, Council of Agriculture, Executive Yuan to conduct the receipt of applications, issuance, write-offs, cancellation, and re-issuance of catch certificates and other related affairs.</p> <p><b>Article 3</b> Catch certificates stipulated herein are divided into the following five types: (1) Fishing Vessel Catch Certificate, which serves as a proving document for the application of exemption of import tax and exemption of import control to the Customs Administration of the Ministry of Finance for catches caught by a fishing vessel permitted by the competent authority to conduct distant water fisheries and shipped back to the Republic of China by commercial cargo vessel, foreign carrier vessel, or airplane. (2) Catch Origin Document, which is to prove that fishing vessels of catches or fisheries products meet certain sanitation requirements so as to apply for the quarantine certificates of exported animal products that meet the requirements of the import country. (3) Catch Statistical Document, which is the catch trade document issued in compliance with the conservation and management measures of international fisheries organizations. (4) Legitimate Catch Certificate, which is to prove that fishing operations for catches or fisheries products are not involved in illegal, unreported and unregulated (IUU) fishing activities. (5) EU Catch Certificate, which is to prove that fishing operations for catches or fisheries products meet the requirements of the European Union (hereinafter referred to as the “EU” ).</p> <p><b>Article 4</b> Any applicant of any catch certificate shall meet any of the following conditions: (1) The distant water fisheries operator who is permitted by the competent authority to conduct distant water fisheries and whose catches or fisheries products are caught by the fishing vessel(s) operated by him/herself. (2) The industry related to distant water fisheries approved by the competent authority to conduct export trade of catches or fisheries products of distant water fisheries.</p> <p>The applicant of the Fishing Vessel Catch Certificate shall be limited to the applicant as referred to in subparagraph (1) of</p>

the preceding paragraph.

#### **Article 5**

The maximum period of the validity of any catch certificate shall be four years, except for the Catch Statistical Document of fresh bigeye tuna and fresh swordfish, which shall be valid for two months.

In case that the catch certificate is issued before landing, the period of validity as referred to in the preceding paragraph shall begin from the date of issuance. For the catch certificate issued after landing, the period of validity shall begin from the date of the completion of landing.

#### **Article 6**

To apply for catch certificates of catches of purse seine fishing vessels, the type of such catches shall be frozen whole fish.

#### **Article 7**

For any application of the Fishing Vessel Catch Certificate, the application form in the required format shall be filled in and submitted to the competent authority together with a copy of the shipping documents proving that catches are shipped back to land in the Republic of China for sale by commercial cargo vessel, foreign carrier vessel, or airplane.

The Fishing Vessel Catch Certificate will be issued after the application as referred to in the preceding paragraph is examined and determined to be compliant with relevant requirements.

#### **Article 8**

In case of any of the following circumstances, the Fishing Vessel Catch Certificate shall not be issued:

- (1) The applicant does not meet the provisions stipulated in Article 4, paragraph 1.
- (2) The catch of purse seine fishing vessel does not meet the provisions stipulated in Article 6.
- (3) The fishing vessel conducts distant water fisheries without the permission from the competent authority.
- (4) The applied catch amount exceeds the actual landing amount of the fishing vessel.

#### **Article 9**

Any fishing vessel applying for the Catch Origin Document shall meet any of the following conditions:

- (1) The fish hold temperature is below 18 degrees Celsius, and the fishing vessel is installed with a temperature recording device and has been examined and approved by the competent authority.
- (2) The fishing vessel has passed the hygiene inspection.

Fishing vessels which meet the conditions stipulated in the preceding paragraph shall be promulgated by the competent authority.

#### **Article 10**

For any application of the Catch Origin Certificate, the application form in the required format shall be filled in and submitted to the competent authority. For the applicant as referred to in subparagraph (2) of Article 4, paragraph 1, the record that can trace back to the transaction of the distant water fisheries operator and relevant document(s) proving the trade shall be enclosed as well.

The Catch Origin Document will be issued after the application

as referred to in the preceding paragraph is examined and determined to be compliant with relevant requirements

#### **Article 11**

In case of any of the following circumstances, the Catch Origin Certificate shall not be issued:

- (1) The applicant does not meet the provisions stipulated in Article 4, paragraph 1.
- (2) The exportation eligibility of the applicant as referred to in subparagraph (2) of Article 4, paragraph 1 is suspended by the competent authority.
- (3) Any of the circumstances stipulated in subparagraph (2) to (4) of Article 8.
- (4) The fishing vessel does not meet the provisions stipulated in Article 9, paragraph 1.
- (5) The Catch Origin Certificate previously applied by the applicant is not written off in accordance with Article 25, or not cancelled in accordance with Article 26.

#### **Article 12**

For any application of the Catch Statistical Document, the vessel position reporting, logbooks and catch reports, transshipment and landing of the fishing vessel during the period of fishing operation of the fishing vessel shall be in compliance with the regulations for respective oceans where the fishing vessel concerned proceeds to.

#### **Article 13**

For any application of the Catch Statistical Document of frozen bigeye tuna or frozen swordfish, the applicant shall fill in application form in the required format and submit to the competent authority together with the following documents:

- (1) Document(s) proving that the catches concerned have been confirmed by the association which the fishing vessel belongs to.
- (2) For catches landed domestically, the fish market transaction document or the Landing Inspection Report shall be enclosed.
- (3) For the applicant as referred to in subparagraph (2) of Article 4, paragraph 1, the record that can trace back to the transaction of the distant water fisheries operator and relevant document(s) proving the trade shall be enclosed.
- (4) A copy of exportation and transport document/bill of catches. Catches transported by the fishing vessel itself shall be exempted

The association as referred to in subparagraph (1) of the preceding paragraph means the Taiwan Tuna Purse Seiners Association for a purse seine fishing vessel; and Taiwan Deep Sea Tuna Boat-owners and Exporters Association or Taiwan Tuna Longline Association for a tuna longline fishing vessel.

The Catch Statistical Document of frozen bigeye tuna or frozen swordfish will be issued after the application as referred to in paragraph 1 is examined and determined to be compliant with relevant requirements.

#### **Article 14**

For any application of Catch Statistical Document of fresh bigeye tuna or fresh swordfish, catches of bigeye tuna or swordfish shall meet the following conditions:

- (1) Such catches are caught by longline fishing vessel(s) whose gross tonnage (GT) is under 100 tons.
- (2) Such catches are preserved in ice-chilling method.
- (3) Such catches are landed at any domestic or foreign port for sale and processed as frozen bigeye tuna or frozen swordfish.

### **Article 15**

For any application of the Catch Statistical Document of fresh bigeye tuna or fresh swordfish, the applicant shall fill in application form in the required format and submit to the competent authority together with the following documents:

- (1) For catches landed for sale at a foreign port, the copy of the cargo list obtained from the customs authority of the port State or the Landing Inspection Report shall be enclosed prior to port entry of the fishing vessel.
- (2) For catches landed for sale at a domestic port, the fish market transaction document or the Landing Inspection Report shall be enclosed.
- (3) The copy of the document(s) proving the trade of fresh bigeye tuna or fresh swordfish to a processing plant for process and export as frozen products.

The Catch Statistical Document of fresh bigeye tuna or fresh swordfish will be issued after the application as referred to in the preceding paragraph is examined and determined to be compliant with relevant requirements.

### **Article 16**

To replace Catch Statistical Document of fresh bigeye tuna or fresh swordfish with that of frozen bigeye tuna or frozen swordfish, the applicant shall fill in application form in the required format and submit to the competent authority together with the following documents:

- (1) The original copy of the Catch Statistical Document of fresh bigeye or fresh swordfish.
- (2) For any applicant as referred to in subparagraph (2) of Article 4, paragraph 1, the record that can trace back to the transaction of the distant water fisheries operator and relevant document(s) proving the trade shall be enclosed.

The Catch Statistical Document of frozen bigeye tuna or frozen swordfish will be issued after the application as referred to in the preceding paragraph is examined and determined to be compliant with relevant requirements.

### **Article 17**

In case of any of the following circumstances, the Catch Statistical Document shall not be issued:

- (1) Any of the circumstances stipulated in subparagraph (1) to (3) of Article 11.
- (2) For the application of the Catch Statistical Document of frozen bigeye tuna or frozen swordfish, the fishing vessel does not meet the provisions stipulated in Article 12.
- (3) For the application of the Catch Statistical Document of fresh bigeye tuna or fresh swordfish, the fishing vessel does not meet the provisions stipulated in Article 12, or the catches does not meet the provisions stipulated in Article 14.
- (4) The Catch Statistical Document previously applied by the applicant is not written off in accordance with Article 25, or not cancelled in accordance with Article 26.
- (5) During the period of fishing operation in which the catches or fisheries products were caught, the fine imposed upon the distant water fisheries operator by the competent authority pursuant to the Act or the Fisheries Act has not been paid completely or the suspension of fishing license imposed upon the distant water fisheries operator has not been executed.

### **Article 18**

For any application of the Legitimate Catch Certificate, the fishing vessel shall meet the following requirements during its

fishing operation:

- (1) It is not listed on the IUU fishing vessels list as promulgated pursuant to Article 13, paragraph 2 of the Act.
- (2) It has not violated any of the provisions stipulated in Article 13, paragraph 1 of the Act; or Article 48, paragraph 1 of the Fisheries Act.

#### **Article 19**

For any application of the Legitimate Catch Certificate, the applicant shall fill in application form in the required format and submit to the competent authority together with the following documents,:

- (1) For any applicant as referred to in subparagraph (2) of Article 4, paragraph 1, the record that can trace back to the transaction of distant water fisheries operator and relevant document(s) proving the trade shall be enclosed.
- (2) A copy of exportation and transport document/bill of catches. The application for replacing the Legitimate Catch Certificate with the EU Catch Certificate shall be exempted.

The Legitimate Catch Certificate will be issued after the application as referred to in the preceding paragraph is examined and determined to be compliant with relevant requirements.

#### **Article 20**

In case of any of the following circumstances, the Legitimate Catch Certificate shall not be issued:

- (1) Any of the circumstances stipulated in subparagraph (1) to (3) of Article 11, or subparagraph (5) of Article 17.
- (2) The fishing vessel does not meet the provisions stipulated in Article 18.
- (3) The Legitimated Catch Certificate previously applied by the applicant is not written off in accordance with Article 25, or not cancelled in accordance with Article 26.

#### **Article 21**

For any catch applying for export to the EU, both the fishing vessel and the carrier vessel shall pass the EU hygiene inspection and be registered in the EU SANCO list, and during the fishing operation, the provisions stipulated in Article 18 shall be met as well.

#### **Article 22**

For any application of the EU Catch Certificate, the applicant shall fill in application form in the required format and submit to the competent authority together with the following documents:

- (1) For the applicant as referred to in subparagraph (2) of Article 4, paragraph 1, the record that can trace back to the transaction of the distant water fisheries operator and relevant document(s) proving the trade shall be enclosed.
- (2) A copy of exportation and transport document/bill of catches.
- (3) In the event that the Legitimate Catch Certificate has been applied for the batch of catches or fisheries products, the original copy of such Legitimate Catch Certificate shall be enclosed.

The EU Catch Certificate will be issued after the application as referred to in the preceding paragraph is examined and determined to be compliant with relevant requirements.

#### **Article 23**

In order to confirm the authenticity of the signature column of the in-port transshipment in the EU Catch Certificate, the competent authority may contact the authorities concerned of the port State to verify the signature information. In the case that the confirmation from the port State concerned is not received within 30 days, the application shall be denied.

#### **Article 24**

In case of any of the following circumstances, the EU Catch Certificate shall not be issued:

- (1) Any of the circumstances stipulated in subparagraph (2) or (3) of Article 8; or subparagraph (1) or (2) of Article 11; or subparagraph (5) of Article 17.
- (2) The fishing vessel does not meet the provisions stipulated in Article 21.
- (3) The EU Catch Certificate previously applied by the applicant is not written off in accordance with Article 25, or not cancelled in accordance with Article 26.
- (4) The weight of raw material catch applied for export exceeds the actual landing amount of the fish species during the period of fishing operation, or the weight of processed fisheries products applied for export does not match with that recorded on the hygiene certificate.
- (5) The signature column of the in-port transshipment in the EU Catch Certificate is not signed by the authorities concerned of the port State, or the signature is confirmed as not authentic.
- (6) The exporter recorded in the EU Catch Certificate is not the applicant.

#### **Article 25**

Except for the circumstances stipulated in paragraph 3, any applicant for any catch certificates shall, within two months after the issuance of catch certificates, fill in the Write-offs Application Form and submit to the competent authority together with the following documents for write-offs:

- (1) For the Catch Origin Certificate: a copy the quarantine certificate of exported animal product.
- (2) For the Catch Statistical Document, Legitimate Catch Certificate, and EU Catch Certificate: a copy of the document proving the customs clearance and the document(s) proving the trade between the applicant and foreign buyer(s).
- (3) For the Legitimate Catch Certificate used for the application of the export permit under the Convention on International Trade in Endangered Species of Wild Fauna and Flora: a copy of the export permit under the Convention on International Trade in Endangered Species of Wild Fauna and Flora issued by the Bureau of Foreign Trade, Ministry of Economic Affairs.

In case that the documents as referred to in the preceding paragraph are not in Chinese, English or Japanese, copies of Chinese translation shall be enclosed.

In any of the following circumstances, the applicant may be waived to conduct write-offs of such catch certificate:

- (1) For the Fishing Vessel Catch Certificate: such certificate has been used in the application for exemption of import tax and exemption of import control to the Customs Administration, Ministry of Finance.
- (2) For the Catch Statistical Document of fresh bigeye tuna or fresh swordfish: such certificate has been used in the application for the Catch Statistical Document of frozen bigeye tuna or frozen swordfish.
- (3) For the Legitimate Catch Certificate: such certificate has been used in the application for the EU Catch Certificate.

**Article 26**

In case that any catch certificate is missing, not used for some reasons or damaged, the applicant shall take the initiative to apply to the competent authority for cancellation with the following documents:

- (1) Explanation for the cancellation.
- (2) The original copy of the catch certificate that is not used for some reasons or damaged.
- (3) In case that the cause of cancellation is resulted after the export of catches or fisheries products, the copy of the shipping document for export and the proof slip of the export declaration issued by the customs at the port of exportation shall be enclosed.

The activity of using the cancelled catch certificate or its copy shall be deemed as using catch certificate documents not issued to the catch concerned stipulated in subparagraph (17) of Article 13, paragraph 1.

**Article 27**

In the event that the catch certificate has been cancelled in accordance with Article 26, paragraph 1, the applicant may apply for the re-issuance to the competent authority.

**Article 28**

In case that the application form submitted, the required documents or contents are incomplete for the application, write-offs, cancellation or re-issuance of any catch certificate, the competent authority shall notify the applicant to supplement within the required timeframe. Failing to supplement within the required timeframe or incomplete supplementary shall be subject to denial of the application.

**Article 29**

These Regulations shall become effective on January 20, 2017.