


Content

Title :	Regulations for Tuna Longline or Purse Seine Fishing Vessels Proceeding to the Pacific Ocean for Fishing Operation 
Date :	2017.01.20
Legislative :	The full text of 99 articles promulgated by the Council of Agriculture, Executive Yuan on January 20, 2017, under Order No. Nong-Yu-Tsu 1061332074.
Content :	<p><b>Chapter I General Principles</b></p> <p><b>Article 1</b> These Regulations are established pursuant to Article 6, paragraph 2; Article 10, paragraph 2; Article 11, paragraph 3; and Article 24, paragraph 2 of the Act for Distant Water Fisheries (hereinafter referred to as “the Act” ).</p> <p><b>Article 2</b> Terms used in these Regulations are defined as follows: (1) “Tuna longline fishing vessel” means any fishing vessel targeting highly migratory fish species such as tunas, billfishes, sharks, skipjacks or mahi mahi with longline fishing gears. (2) “Tuna purse seine fishing vessel” means any fishing vessel targeting tunas and skipjacks with purse seine fishing gears. (3) “Catching vessel” means tuna longline fishing vessel and tuna purse seine fishing vessel collectively. (4) The Area of “The Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereinafter referred to as ‘WCPFC Convention Area’ )” means the waters of the Pacific Ocean bounded to the south and to the east by the following line: from the south coast of Australia due south along the 141°□ meridian of east longitude to its intersection with the 55°□ parallel of south latitude; thence due east along the 55°□ parallel of south latitude to its intersection with the 150°□ meridian of east longitude; thence due south along the 150°□ meridian of east longitude to its intersection with the 60°□ parallel of south latitude; thence due east along the 60°□ parallel of south latitude to its intersection with the 130°□ meridian of west longitude; thence due north along the 130°□ meridian of west longitude to its intersection with the 4°□ parallel of south latitude; thence due west along the 4°□ parallel of south latitude to its intersection with the 150°□ meridian of west longitude; thence due north along the 150°□ meridian of west longitude. The WCPFC Convention Area is as shown in Appendix 1. (5) The Area of “The Convention for the Establishment of an Inter-American Tropical Tuna Commission” and “The Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention between the United States of America and the Republic of Costa Rica (hereinafter referred to as ‘IATTC Convention Area’ )” means the waters of the Pacific Ocean bounded by the coastline of North, Central, and South America and by the following lines: the 50°N parallel from the coast of North America to its intersection with the 150°W meridian;</p>

the 150°W meridian to its intersection with the 50°S parallel; and the 50°S parallel to its intersection with the coast of South America. The IATTC Convention Area is as shown in Appendix 2.

(6) “Independent third party” means any of the following institutions recognized by the competent authority:

i. For Japan:

(i) Shinken Corporation.

(ii) Nippon Kaiji Kentei Kyokai, Incorporated Association.

ii. For areas excluding Japan: the verifying institution which obtains the accreditation for management system certification from the Taiwan Accreditation Foundation (TAF).

(7) “Carrier vessel” means the following vessels that conducts the transshipment of catches from catching vessels to itself and transports to ports:

i. ‘Carrier vessel of the Republic of China’ refers to the carrier vessel which has the fishing license of the Republic of China.

ii. ‘Foreign carrier vessel’ refers to the carrier vessel, excluding container vessel, which has the valid nationality certificate of the flag State of a foreign country.

iii. ‘Part-time carrier vessel’ refers to the tuna longline fishing vessel which conducts part time the transshipment of catches.

### Article 3

Types of fishing vessels proceeding to the Pacific Ocean for fishing operation are categorized as tuna longline fishing vessels, tuna purse seine fishing vessels, and carriers of the Republic of China.

### Article 4

Fishing vessels proceeding to the Pacific Ocean to catch tunas, billfishes, sharks, skipjacks, or mahi mahi shall be limited to tuna longline fishing vessels of 20 Gross Tonnage (GT) and above or tuna purse seine fishing vessels.

“Regulations on the Management of Catching Pacific Bluefin Tuna” or “Regulations for Fishing Vessels Conducting Southern Bluefin Tuna Fishery” shall also be applied to any tuna longline fishing vessel catching Pacific bluefin tuna or southern bluefin tuna.

### Article 5

Fishing areas for tuna longline fishing vessels of 100 GT and above (hereinafter referred to as “large scale longliners” ) fishing in the Pacific Ocean are divided as follows, and are as shown in Appendix 3 and 4:

(1) Bigeye tuna fishing area: the area west of 150°W and between 15°S to 20°N; and the area between 130°W to 150°W and 20°S to 25°N.

(2) North bigeye tuna fishing area: the area between 130°W to 150°W and 25°N to 40°N.

(3) East bigeye tuna fishing area: the area east of 130°W and between 20°S to 20°N

(4) Albacore tuna fishing area: the area between the west of 130°W and the south of 10°S; and the area between the east of 130°W and the south of 15°S.

(5) North albacore tuna fishing area: the area between the west of 130°W and the north of 10°N; and the area between the east of 130°W and the north of 15°N.

Fishing areas for tuna longline fishing vessels of 20 GT and above and less than 100 GT (hereinafter referred to as “small scale longliners” ) fishing in the Pacific Ocean are divided

as follows and are as shown in Appendix 5:

- (1) Western and central Pacific fishing area: the area west of 150°W.
- (2) Eastern Pacific fishing area: the area between 130°W to 150°W and the south of 5°S and the north of 10°N; the area between the east of 130°W and the south of 15°S and the north of 10°N
- (3) Eastern Pacific swordfish fishing area: the area between 130°W to 150°W and 5°S to 10°N.

The fishing area for tuna purse seine fishing vessels fishing in the Pacific Ocean shall be limited to the area west of 150°W, and such vessels shall not fish on the high seas north of 20°N or south of 20°S.

Catching vessels shall fish only within the fishing area(s) permitted by the competent authority.

#### **Article 6**

Tuna longline fishing vessels proceeding to the Pacific Ocean for fishing operation are categorized, in accordance with the GT, catch species and operation patterns, into the following groups:

- (1) For large scale longliners:
  - i. Bigeye tuna group: bigeye tuna as the target species.
  - ii. Albacore tuna group: albacore tuna as the target species.
- (2) For small scale longliners:
  - i. General group: no specific target species.
  - ii. Frozen yellowfin tuna group: the fishing vessel with freezing equipment which has more individual vessel quota of bigeye tuna than the fishing vessel of general group.
  - iii. Seasonal sharks group: fishing vessels targeting sharks during certain seasons and whose individual vessel quota of bigeye tuna is less than fishing vessels of general group.

#### **Article 7**

Limits on the number of catching vessels fishing in the Pacific Ocean are as follows:

- (1) For large scale longliners:
  - i. Bigeye tuna group: the number of fishing vessels is limited to 50, among which the maximum number of fishing vessels fishing in the east bigeye tuna fishing area is limited to 10.
  - ii. Albacore tuna group: the number of fishing vessels is limited to 51, among which the maximum number of fishing vessels fishing in the north albacore tuna fishing area is limited to 25.
- (2) For small scale longliners:
  - i. Frozen yellowfin tuna group: the number is limited to 50.
  - ii. General group or seasonal sharks group: no limitation is imposed. However, the maximum number of fishing vessels fishing in the eastern Pacific fishing area is limited to 50, among which the maximum number of those fishing in the eastern Pacific swordfish fishing area is 12.
- (3) The number of tuna purse seine fishing vessels is limited to 34.

### **Chapter II Application and Issuance of the Distant Water Fisheries Permit**

#### **Article 8**

Any distant water fisheries operator intending to apply for the distant water fisheries permit(s) for his/her fishing vessel(s) to fish in the Pacific Ocean in the following year shall fill in the application form, formats of which are as

shown in Appendix 6 to 9, in accordance with types of fishing vessels and groups and submit it with the following documents:

- (1) A copy of the valid fishing license. For any fishing vessel over 100 GT, the copy of the fishing license shall contain the International Maritime Organization (IMO) ship identification number or Lloyd's Register (LR) number.
- (2) The color photograph of the fishing vessel no older than three years. The photograph must show a stem-to-stern side view of the vessel; clearly and legibly display the vessel name and international radio call sign; be in the form of a single electronic file and have a resolution of at least 150 pixels per inch at a size of 6 by 8 inches; and be no greater than 500 kilobytes (kB) in size.
- (3) The document certified by the commissioned professional institution that the automatic location communicator (ALC) on board the fishing vessel can regularly and normally transmit vessel positions.
- (4) The document certified by the commissioned professional institution that the electronic logbook (E-logbook) system on board the fishing vessel can normally transmit catch data.
- (5) The vessel tracking agreement form serving as an authorization allowing the competent authority and the international fisheries organization to track vessel positions. He who has already provided such form shall be exempted from this provision.

#### **Article 9**

The distant water fisheries operator who has applied for the distant water fisheries permit pursuant to Article 8 shall choose the fishing area in accordance with the following provisions:

- (1) Fishing vessels of bigeye tuna group can apply to fish in the bigeye tuna fishing area. Such vessels may at the same time apply for the east bigeye tuna fishing area.
- (2) Fishing vessels of albacore tuna group can apply to fish in the albacore tuna fishing area. Such vessels may at the same time apply for the north albacore tuna fishing areas.
- (3) Fishing vessels of frozen yellowfin tuna group can apply to fish in the western and central Pacific fishing area.
- (4) Seasonal sharks group or general group can apply to fish in the western and central Pacific fishing area. Such vessels may at the same time apply for the eastern Pacific fishing area, and for vessels which apply for fishing in the eastern Pacific fishing area, such vessels may also apply for the eastern Pacific swordfish fishing area.

#### **Article 10**

Any fishing vessel that applies for the distant water fisheries permit of the bigeye tuna group for the following year shall meet any of the following conditions:

- (1) It belongs to the bigeye tuna group in the current year with the competent authority's approval.
- (2) It is a newly built fishing vessel which has received the replacement tonnage of a fishing vessel of the bigeye tuna group.

Any fishing vessel that applies for the distant water fisheries permit of the albacore tuna group for the following year shall meet any of the following conditions:

- (1) It belongs to the albacore tuna group in the current year with the competent authority's approval.
- (2) It is a newly built fishing vessel which has received the replacement tonnage of a fishing vessel of the albacore tuna group.

Any fishing vessel that applies for the distant water fisheries permit of the frozen yellowfin tuna group for the following year shall meet any of the following conditions:

- (1) It belongs to the frozen yellowfin tuna group in the current year with the competent authority's approval and it has not changed to fish in the Indian Ocean in the current year.
- (2) It is a newly built fishing vessel which has received the replacement tonnage of a fishing vessel of the frozen yellowfin tuna group.

Any fishing vessel that applies for the distant water fisheries permit of the seasonal sharks group for the following year shall meet any of the following conditions:

- (1) From 2009 to 2015, the catch amount (unprocessed round weight, hereinafter the same when referring to "catch amount" in the following provisions) of sharks during one fishing trip exceeds 50% of the total catch amount.
- (2) It is a newly built fishing vessel which has received the replacement tonnage of a fishing vessel of the seasonal sharks group.

#### **Article 11**

For the application of the distant water fisheries permit of the following year, the documents prescribed in Article 8 shall be submitted in accordance with the following procedures and deadline:

- (1) For any distant water fisheries operator of large scale longliner(s) that is a member of the Taiwan Deep Sea Tuna Boat-owners and Exporters Association (hereinafter referred to as "Tuna Association" ), it shall apply to the Tuna Association before October 15 of the current year, which shall compile the applications in accordance with the groups for delivery to the competent authority before October 31 of the current year.
- (2) For any distant water fisheries operator of large scale longliner(s) that is not a member of the Tuna Association, he/she shall apply to the competent authority before October 31 of the current year.
- (3) For any distant water fisheries operator of small scale longliner(s) that is a member of the Taiwan Tuna Longline Association (hereinafter referred to as "Longline Association" ), he/she shall apply to the Longline Association before October 15 of the current year. The Longline Association shall compile the applications in accordance with the groups and deliver to the competent authority before October 31 of the current year.
- (4) For any distant water fisheries operator of small scale longliner(s) that is not a member of the Longline Association, he/she shall apply to the competent authority before October 31.
- (5) For any distant water fisheries operator of tuna purse seine fishing vessel(s), he/she shall apply to the Taiwan Deep Sea Tuna Purse Seiners Boat-Owners and Exporters Association (hereinafter referred to as "Purse Seine Association" ) before October 15 of the current year. The Purse Seine Association shall deliver the applications to the competent authority before October 31 of the current year.
- (6) For any distant water fisheries operator of carrier vessel(s) of the Republic of China, he/she shall apply to the competent authority before October 31 of the current year.

#### **Article 12**

In the event that the number of fishing vessels applying for fishing in the east bigeye tuna fishing area exceeds the prescribed limit, the Tuna Association shall, in an equitable and impartial manner, draw lots to decide the priority.

For fishing vessels applying for fishing in the north albacore

tuna fishing area, the Tuna Association shall come up with a list of vessel priority in accordance with the following sequence of priority and submit to the competent authority:

- (1) First priority: the fishing vessel of the albacore tuna group that obtains the distant water fisheries permit of the current year and has fished over 75 days in the north albacore fishing area.
- (2) Second priority: the fishing vessel of the albacore tuna group that obtains the distant water fisheries permit of the current year and has fished less than 75 days in the north albacore fishing area.
- (3) Third priority: the fishing vessel of the albacore tuna group that obtains the distant water fisheries permit of the current year but does not obtain the permit to fish in the north albacore tuna fishing area.
- (4) Fourth priority: the fishing vessel of the albacore tuna group that obtains the distant water fisheries permit to fish in the north albacore tuna fishing area in the current year but does not proceed to fish in such area.

For fishing vessels applying for fishing in the eastern Pacific fishing area, the Longline Association shall come up with a list of vessel priority in accordance with the following sequence of priority and submit to the competent authority:

- (1) First priority: the fishing vessel which obtains the distant water fisheries permit to fish in the eastern Pacific fishing area and has historical catch record.
- (2) Second priority: the fishing vessel which obtains the distant water fisheries permit of the current year but does not obtain the permit to fish in the eastern Pacific fishing area.
- (3) Third priority: the fishing vessel which obtains the distant water fisheries permit to fish in the eastern Pacific fishing area in the current year but does not proceed to fish in such area.

In the event that the number of applying fishing vessels in the preceding two paragraphs exceeds the limits and the priority cannot be decided in accordance with the provisions on the sequence of priority, the competent authority shall draw lots to decide the priority in an equitable and impartial manner.

In the event that the number of fishing vessels applying to fish in the eastern Pacific swordfish fishing area exceeds the limit, the competent authority shall draw lots to decide the priority in an equitable and impartial manner.

### **Article 13**

In the event that the number of fishing vessels obtaining the distant water fisheries permits does not reach the limit of each group of the current year, the vacancy shall be filled pursuant to the sequence of priority prescribed in Article 12, and the competent authority may announce in due course to accept applications, notwithstanding the application deadline prescribed in Article 11.

### **Article 14**

The distant water fisheries operator who has obtained the distant water fisheries permit of bigeye tuna group may apply to the competent authority to fish in the north bigeye tuna fishing area from April to September of the current year, notwithstanding the application procedures and deadline prescribed in Article 11.

### **Article 15**

In case of any of the following conditions, the distant water

fisheries operator may submit the documents prescribed in Article 8 and apply for the distant water fisheries permit to the competent authority, notwithstanding the application procedures and deadline prescribed in Article 11:

- (1) The distant water fisheries operator of a fishing vessel has changed;
- (2) The distant water fisheries operator has obtained the fishing license for the chartered fishing vessel;
- (3) The distant water fisheries operator has obtained the fishing license for the newly-built fishing vessel;
- (4) The distant water fisheries operator who resumes the operation after the suspension of the operation authorized pursuant to Article 11 of the Fisheries Act has expired;
- (5) The distant water fisheries operator applies for the renewal of the expired fishing license; or
- (6) The suspension of the fishing license has been executed completely.

In case that the distant water fisheries operator of any fishing vessel that has obtained the distant water fisheries permit to fish in the east bigeye tuna fishing area, north albacore tuna fishing area, eastern Pacific fishing area, or eastern Pacific swordfish area has changed during the period of validity of the permit, and the new distant water fisheries operator applies for the distant water fisheries permit in accordance with the preceding paragraph, the competent authority shall authorize such fishing vessel to continue fishing in the permitted fishing area(s) in the current year.

#### **Article 16**

A certificate of distant water fisheries permit will be issued to the application approved by the competent authority. The maximum period of validity of the permit shall be one year, and shall not exceed that of the fishing license.

The certificate of distant water fisheries permit shall record, both in Chinese and English, the following:

- (1) The number of the certificate;
- (2) The name, CT number, GT, length overall (LOA) and fisheries type of the fishing vessel;
- (3) Name of the distant water fisheries operator;
- (4) The authorized fishing Ocean, group, fishing area(s), and fishing period;
- (5) The International Radio Call Sign (IRCS); and
- (6) The IMO ship identification number or LR number. Fishing vessels less than 100 GT shall be exempted from this provision.

The distant water fisheries operator shall place onboard the fishing vessel a copy of the valid distant water fisheries permit in case of inspection.

#### **Article 17**

In the event that the distant water fisheries operator who has obtained the distant water fisheries permit to fish in the north albacore tuna fishing areas or eastern Pacific fishing areas waives such right, he/she shall apply to the competent authority for the revocation of the permit before August 1 of the current year.

#### **Article 18**

Fishing vessels intending to interchange the groups or fishing Oceans shall apply for the application to the competent authority.

In the event that a large scale longliner intends to change

the group or fishing Ocean with other fishing vessel, the following provisions shall be met:

- (1) Distant water fisheries operators of both vessels are members of the Tuna Association;
- (2) Both vessels have the valid certificates of distant water fisheries permits;
- (3) The fishing vessel intending to change to the bigeye tuna group shall be equipped with ultra-low temperature devices, and its distant water fisheries operator has made a guarantee letter to assume the duty from the original fishing vessel of bigeye tuna group to pay the reimbursement of the vessel reduction program; and
- (4) The penalty of suspending the fishing license has been completely executed.

Small scale longliners are allowed to only the interchange between the frozen yellowfin tuna group of the Pacific Ocean and that of the Indian Ocean.

For any fishing vessel approved to change the group or fishing Ocean, documents shall be provided to prove the fish holds have been emptied and the certificate of the distant water fisheries permit originally issued shall be returned for the issuance of the new certificate of distant water fisheries permit after the change of fishing Ocean or group.

For any fishing vessel approved to change the group or fishing area, the permit to fish in the east bigeye tuna fishing area and north albacore tuna fishing area shall be denied. In case that there is no applicant applying to fill in the vacancy in the current year, such provision shall not be applied.

### **Chapter III Fishing Vessel and Fishing Gear Markings**

#### **Article 19**

Fishing vessels shall be marked with vessel markings, including, at least, the Chinese and English vessel name, name of registry port, CT numbers and IRCS. The characters and the edges of characters shall maintain clear and identifiable at all times.

Where fishing vessels are fishing or berthing at ports, the IRCS shall be displayed clearly identifiable for the sighting by other vessels from the water surface or airplanes from the air.

#### **Article 20**

The IRCS of a fishing vessel is its radio call sign.

The IRCS shall be painted with marine-specific paint, and the characters shall be capital letters in English and Arabic numerals. The height, width, and colors of characters shall meet the specifications as shown in Appendix 10.

#### **Article 21**

The IRCS shall be placed above the waterline on both sides of any fishing vessels and on a deck where the IRCS is not obscured by fishing gear(s), and shall be clear of the bow, stern, discharge or areas which might be prone to damage or discoloration. In case that the lowest edge of characters is under the waterline when the fish holds are full, the IRCS shall be placed on the fishing vessel's superstructure.

#### **Article 22**

Boats and skiffs carried by any catching vessel shall bear the same IRCS as the catching vessel concerned.

#### **Article 23**

Fishing gear(s) of any catching vessel shall be equipped with signal flags, radar reflector buoys or other similar devices so as to identify the position(s) and fishing area(s).

### **Chapter IV Fishing Gears and Methods, and Mitigation Measures for Incidental Catch**

#### **Article 24**

For any catching vessel navigating through the water under national jurisdiction of any foreign country, all fishing equipment on board shall be stowed and secured, and such vessel shall not conduct activities such as arrangement of fishing gears or fishing, except that it has engaged in fisheries cooperation with the foreign country concerned.

#### **Article 25**

For any tuna longline fishing vessel fishing in the WCPFC Convention Area with hooks at a depth shallower than 100 meters and targeting swordfish, any of the following mitigations measures shall be used:

- (1) Large circle hooks shall be used; or
- (2) Fishes except for Cephalopods species shall be used as baits, and the bait fishes shall remain intact.

For the fishing vessel whose catch amount of swordfish in a single month exceeds 40% of its total catch amount of the same month, such vessel shall be regarded as targeting swordfish.

The large circle hooks as referred to in paragraph 1 are hooks that are above 3 inches and are circular or oval in shape. The point is turned perpendicularly back to the shank. These hooks shall have an offset not to exceed 10 degrees.

#### **Article 26**

Except for fishing vessels of seasonal sharks group, any tuna longline fishing vessel shall not use shark lines as shown in Appendix 11.

#### **Article 27**

Any tuna longline fishing vessel shall carry on board the line cutter, de-hooker and scoop/dip net, formats of which are as shown in Appendix 12, to release incidentally caught seabirds and sea turtles.

#### **Article 28**

Any tuna longline fishing vessel fishing in the WCPFC Convention Area shall use the seabird mitigation measures, specifications of which are as shown in Appendix 13, in accordance with the following provisions:

- (1) When fishing in the WCPFC Convention Area north of 23°N, the tuna longline fishing vessel shall use at least two seabird bycatch mitigation measures which may be the installation of two sets of tori lines or one set of tori line together with one of the following measures: weighted branch lines, night setting, management of offal discharge, blue dyed bait and deep setting line shooter.
- (2) When fishing in the WCPFC Convention Area south of 30°S, the tuna longline fishing vessel shall use at least two seabird bycatch mitigation measures, one of which shall be tori lines,

and the other shall be weighted branch lines or night setting.

Any tuna longline fishing vessel fishing in the IATTC Convention Area south of 30°S and north of 23°N, as well as the area bounded by the coastline at 2°N, west to 2°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S shall use at least two different seabird bycatch mitigation measures, one of which shall be tori lines and the other shall be night setting, weighted branch lines, management of offal discharge or line shooting device. The area is as shown in Appendix 14, and the specifications of the seabird mitigation measures are as shown in Appendix 15.

## **Chapter V Catch Limits or Quotas**

### **Article 29**

For the purpose of these Regulations, the species with catch limit (hereinafter referred to as “fish species with catch limit” ) as referred to in subparagraph (7) of Article 13, paragraph 1 of the Act means bigeye tuna.

### **Article 30**

The annual total catch quota (unprocessed round weight, hereinafter the same when referring to “quota” in the following provisions) of the Republic of China in the Pacific Ocean and the individual catching vessel quota shall be promulgated by the competent authority in accordance with the conservation and management measures.

The percentage of the annual total catch quota allocated to the large scale longliners and small scale longliners is 57% and 43% respectively.

The period for using the quota as referred to in paragraph 1 shall be from January 1 to December 31 of the current year.

In case that the number of fishing vessels obtaining the distant water fisheries permits of each group in the current year does not exceed the limit, the total remaining quota may be arranged by the competent authority.

### **Article 31**

The distant water fisheries permit of the current year shall be obtained for granting the quota of the current year to the catching vessel. For any catching vessel that has not obtained the distant water fisheries permit of the entire year, the quota shall be granted in accordance with the percentage that the number of month(s) approved accounts for the whole year.

### **Article 32**

The catch amount of the fish species with catch limit or that of striped marlin for any catching vessel shall not exceed the quota allocated to the individual vessel for the current year. In case of excess, the annual quota of such fishing vessel for the following year shall be deducted accordingly.

### **Article 33**

In case of any of the following conditions, the competent authority shall grant the quota of the current year in accordance with the percentage that the number of month(s) the catching vessel actual fishes accounts for the whole year ; shall retrieve the quota on a pro-rata basis from the

catching vessel which has been granted the quota; or shall deduct the quota allocated for the following year in the event that the quota is unable to be retrieved from the vessel:

(1) The catching vessel is punished by the competent authority of the suspension of the fishing license for one month and above.

(2) The catching vessel is detained in the port by foreign government.

#### **Article 34**

Any small scale longliner shall not target bigeye tuna.

The targeting of bigeye tuna as referred to in the preceding paragraph means that the bigeye tuna catch amount of the fishing vessel in a single month exceeds over 30% of its total catch amount of the same month.

Any small scale longliner fishing in the area north of 20°N shall not target albacore tuna.

The targeting of albacore tuna as referred to in the preceding paragraph means that the albacore tuna catch amount of the fishing vessel in a single month exceeds over 30% of its total catch amount of the same month.

#### **Article 35**

For any tuna longline fishing vessel which changes the fishing Ocean or group with other vessel pursuant to Article 18, its individual vessel quota for the remaining period of its permit shall be the remaining quota of that other vessel, and its annual individual vessel quota of bigeye tuna shall be limited as follows:

(1) For any large scale longliner: 330 metric tons.

(2) For any fishing vessel of the frozen yellowfin tuna group: 40 metric tons.

The annual bigeye tuna quota for any individual fishing vessel of the general group and seasonal sharks group, regardless of fishing Oceans, shall be limited to 20 metric tons and 10 metric tons respectively.

#### **Article 36**

Any large scale longliner may, at its discretion, transfer its bigeye tuna quota allocated for each of its fishing areas in the Pacific Ocean and shall report such transfer to the competent authority for perusal. The total bigeye tuna quota allocated to the individual large scale longliner in the WCPFC Convention Area shall remain the same before and after the transfer.

#### **Article 37**

In the event that the following requirements are met, the bigeye tuna quota of a fishing vessel of the bigeye tuna group may, through the coordination of the Tuna Association which reports to the competent authority for approval, be transferred to other fishing vessel(s) of the bigeye tuna group:

(1) The bigeye tuna quota of the receiving fishing vessel shall not exceed 330 metric tons after the transfer; and

(2) Both the transferring and receiving fishing vessels shall not have any record of violation in the current year.

In the event that any fishing vessel of the bigeye tuna group has transferred accumulated 30 metric tons of bigeye tuna

quota, it shall enter into a port for stop fishing for one month in the current year; for the transfer of accumulated 60 metric tons of bigeye tuna quota, it shall enter into a port for stop fishing for two months, and so forth.

For the fishing vessel entering into a port for stop fishing in accordance with the preceding paragraph, the starting and ending dates of the period and the berthing location shall be specified at the time when applying for the approval of transferring quota from the competent authority.

In case that fishing vessels of the bigeye tuna group transfer their quota of different fishing areas to each other and, after such transfer, the total quota of such vessel in the entire Pacific Ocean is less than its individual vessel quota in the current year, the provision stipulated in the preceding two paragraphs shall not apply.

#### **Article 38**

Fishing vessels of albacore tuna group may, through the coordination of the Tuna Association which reports to the competent authority for approval, transfers their bigeye tuna quotas of different fishing areas to each other. The total bigeye tuna quota of such fishing vessel in the Pacific Ocean shall remain the same before and after the transfer.

#### **Article 39**

The competent authority may, after July of each year, announce the additional bigeye tuna quota that can be applied for.

For the application of the additional quota as referred to in the preceding paragraph, the following provisions shall be met:

(1) For the fishing vessel of bigeye tuna group: such fishing vessel has received the bigeye tuna quota from other vessel(s), and its accumulated 330 metric tons of bigeye tuna quota has been used up to 70%.

(2) For the fishing vessel of frozen yellowfin tuna group: such fishing vessel has used its bigeye tuna quota up to 70%.

The maximum additional quota for each fishing vessel as referred to in the preceding paragraph shall be 70 metric tons for the fishing vessel of bigeye tuna group and 40 metric tons for that of frozen yellowfin tuna group.

The additional bigeye tuna quota acquired pursuant to paragraph 2 shall not be transferred.

#### **Article 40**

The competent authority may grant premium quota to the catching vessel which cooperates with the competent authority to carry out relevant experiments, researches or management measures.

12.5 metric tons of premium quota of bigeye tuna may be granted for every accumulated 15 fishing days of any fishing vessel of the bigeye tuna group fishing in the east bigeye tuna fishing area, and the maximum of the premium quota granted may be 50 metric tons. The individual vessel quota of bigeye tuna and the premium quota of such fishing vessel shall not be more than 400 metric tons in total.

The premium quota as referred to in the preceding paragraph shall not be transferred.

#### **Article 41**

Except for fishing vessels of seasonal sharks group, any tuna

longline fishing vessel fishing in the WCPFC Convention Area shall not target sharks.

The targeting of sharks as referred to in the preceding paragraph means the catch amount of sharks during one single month exceeds 50% of the total catch amount of the same month.

#### **Article 42**

For any tuna longline fishing vessel fishing in the IATTC Convention Area, its catch amount of silky sharks in one fishing trip shall not exceed 20% of its total catch amount of the same fishing trip.

In case that the fishing vessel as referred to in the preceding paragraph fishes with hooks at a depth shallower than 100 meters, the catch of silky sharks of less than 100 centimeters total length shall not exceed 20% of the total number of silky sharks caught during one fishing trip.

### **Chapter VI Management of Vessel Position Reporting**

#### **Chapter 43**

The ALC on board shall be maintained functional at all time, whether at sea or in port.

Tuna longline fishing vessels or carrier vessels of the Republic of China shall transmit at least one vessel position in every four hours; tuna purse seine fishing vessels shall transmit at least one vessel position hourly.

Fee for the services and communications of the ALC shall be borne by distant water fisheries operators.

#### **Article 44**

In case that a fishing vessel needs to stay in a domestic port for three days and above or in a foreign port for maintenance or repair, its distant water fisheries operator may apply to the competent authority with documentary proof for switching off the ALC, which may only be switched off after obtaining approval.

The period of switching off the ALC as referred to in the preceding paragraph shall not exceed six months for each application. Extension may be applied in accordance with the preceding provision before the period is expired.

Any fishing vessel shall not leave the port during the period of switching off the ALC.

In the event that the ALC onboard is rebooted, the fishing vessel may only leave the port after the commissioned professional institution has confirmed that such ALC can regularly and normally transmit vessel positions.

#### **Article 45**

Any fishing vessel of 100 GT and above shall carry at least one spare set of ALC on board.

In case that the identification number of ALC on board has been changed, the distant water fisheries operator shall notify the competent authority or the commissioned professional institution in writing.

#### *Article 46*

The ALC is deemed as signal-lost in the event that the

commissioned professional institution has not received positions automatically transmitted by the ALC twice consecutively. In the event that the ALC is signal-lost for three consecutive days, it is deemed as mal-function.

The malfunctioning ALC shall be repaired no later than 30 days.

In the event that the ALC on board is signal-lost or mal-functional, the distant water fisheries operator or the captain shall send information related to vessel positions by facsimile to the commissioned professional institution and the Secretariat of the Western and Central Pacific Fisheries Commission (hereinafter referred to as "WCPFC"), or to the WCPFC Secretariat through the fishery radio station located in the Republic of China. The vessel positions shall be recorded by automatic recording satellite navigator for perusal in later days. The format of the facsimile is as shown in Appendix 16.

The transmit of vessel positions as referred to in the preceding paragraph shall be every six hours for any tuna longline fishing vessel and carrier vessel of the Republic of China, and hourly for any tuna purse seine fishing vessel.

For any fishing vessel with spare set of ALC on board, it shall report to the competent authority of using the spare set during the mal-function of the ALC. In case that the spare set is also mal-functional, the spare set from other fishing vessel may be deployed after obtaining the competent authority's approval.

#### **Article 47**

In the event that the ALC onboard is deemed as signal lost for an accumulative period of 15 days and above during one fishing trip, the competent authority may order such fishing vessel to stop fishing immediately and directly navigate to a designated port within the required timeframe for repair. The vessel shall not leave the port until the commissioned professional institution has confirmed that such ALC can regularly and normally transmit vessel positions.

Any expense incurred from port return, port entrance and confirmation of position transmitting as referred to in the preceding paragraph shall be borne by the distant water fisheries operator.

#### **Article 48**

Before 8 February 2017, prior to entering into or departure from the area of high seas bounded by the exclusive economic zones of the Cook Islands, French Polynesia and Kiribati (hereinafter referred to as "the Easter High-Seas Pocket, EHSP"), any fishing vessel shall report in accordance with following provisions:

(1) 48 hours prior to entering into or departure from the EHSP, or, in case of entry or departure on a national holiday, 48 hours before the holiday, the distant water fisheries operator or captain shall report in one of the following manners:

- i. A completed WCPFC Eastern High-Seas Pocket Special Management Area Entry or Exit Report (hereinafter referred to as "Entry or Exit Report") as shown in Appendix 17 shall be filled in and submitted directly to the WCPFC Secretariat, with a copy to the competent authority.
- ii. The distant water fisheries operator or captain shall report to the WCPFC Secretariat through the fishery radio station to which the fishing vessel belongs by submitting the completed

Entry or Exit Report or making an oral report to the fishery radio station, with a copy to the competent authority.

(2) The fishing vessel shall only enter into or depart from the EHSP, provided that the reporting to the WCPFC Secretariat by such fishing vessel has been confirmed completed 24 hours prior to its entry into or departure from the EHSP.

In case of sighting of any national or foreign fishing vessel in the EHSP, the distant water fisheries operator or the captain shall submit a completed sighting report in the format as shown in Appendix 18 to the competent authority within 15 days after departure from the EHSP.

For any fishing vessel fishing in the EHSP, it shall keep at least 5 nautical miles away from the exclusive economic zones of the island States.

## **Chapter VII Logbooks and Catch Reports**

### **Article 49**

In the event that any catching vessel leaves a port, its captain shall daily report catch data through the E-logbook system designated by the competent authority, and shall completely and accurately fill in the logbooks designated by the competent authority by fishery types, where there is any catch or not.

In case of malfunction of the E-logbook system, the distant water fisheries operator or the captain shall daily transmit catch data via facsimile to the competent authority or the commissioned professional institution. Such catch data shall be signed by the distant water fisheries operator or the captain.

The malfunctioning E-logbook system shall be repaired no later than 30 days.

In the event that the E-logbook system onboard is deemed as mal-functional for an accumulative period of 15 days and above during one fishing trip, the competent authority may order such fishing vessel to stop fishing immediately and directly navigate to a designated port within the required timeframe for repair. The vessel shall not leave the port until the commissioned professional institution has confirmed that such E-logbook system can normally transmit data.

Any expense incurred from port return, port entrance and confirmation of E-logbook system as referred to in the preceding paragraph shall be borne by the distant water fisheries operator.

### **Article 50**

Any tuna longline fishing vessel shall not catch southern bluefin tuna without permission. In case of bycatch of southern bluefin tuna, the fishing vessel shall immediately discard such catch and record the amount of discard on the logbooks and E-logbook system.

In the event that the quota of the fish species with catch limit or the quota of striped marlin is exhausted, any catching vessel shall immediately discard any catch of such species and record the amount of discard on the logbooks and E-logbook system.

### **Article 51**

In case that any catching vessel finds any sea turtle during fishing operation, such vessel shall, where practicable, bring

aboard any comatose or inactive sea turtle as soon as possible, and foster its recovery and return it to the sea at once after recovery.

Any seabird, sea turtle, whale shark, cetacean, penguin or prohibited species promulgated by the competent authority incidentally caught by any catching vessel shall be released when caught alive or discarded dead, and the number(s) be duly recorded on the logbooks and E-logbook system.

#### **Article 52**

Any fish species of no economic value or no utilizing value caught by any catching vessel shall be released immediately, and number(s) discarded shall be duly recorded on the logbooks and E-logbook system.

#### **Article 53**

The E-logbook data or the logbook(s) submitted shall not be altered or amended, unless there is apparent error with the content and the competent authority has approved.

#### **Article 54**

The complete logbooks shall be maintained on board any catching vessel for at least one year.

In case that any catching vessel enters a port or transships its catch at sea, a copy of the logbooks shall be submitted to the competent authority for perusal in accordance with the following timeframe:

- (1) For port entry: within 60 days starting from the date the fishing vessel enters the port.
- (2) For transshipment at-sea: within 60 days starting from the date the carrier vessel enters the port.

#### **Article 55**

For fish species with catch limit, the discrepancy between the catch amount recorded in the E-logbook or the logbook during one fishing trip of any catching vessel and the actual landing amount shall not exceed 10% of the actual landing amount. For fish species not under catch limit, such discrepancy shall not exceed 20% of the actual landing amount.

In case that the discrepancy as referred to in the preceding paragraph for fish species with catch limit is less than two metric tons, or four metric tons for fish species not under catch limit, it may be deemed that the catch amount recorded in the E-logbook or the logbook corresponds with the actual landing amount.

#### **Article 56**

Any of the following circumstances shall be defined as "seriously misreporting" as referred to in subparagraph (12) of Article 13, paragraph 1 of the Act:

- (1) For fish species with catch limit, the discrepancy between the catch amount recorded in the E-logbook or the logbook and the actual landing amount exceeds two metric tons as well as 20% of the actual landing amount.
- (2) For fish species not under catch limit, the discrepancy between the catch amount recorded in the E-logbook or the logbook and the actual landing amount exceeds four metric tons as well as 50% of the actual landing amount.

### **Chapter VIII Management of Shark Catch**

#### **Article 57**

Any fishing vessel of the seasonal sharks group shall not catch or retain on board any shark of less than 100 centimeters total length.

Any fishing vessel of the seasonal sharks group shall not catch sharks in the area north of 35°N, and between 165°E to 175°E from June 1 to October 31 of each year.

In case of catching any shark as referred to in paragraph 1, or catching any shark during the period or area as referred to in the preceding paragraph, such catch shall be discarded and the amount of discard shall be recorded on the logbooks and the E-logbook.

#### **Article 58**

For any tuna longline fishing vessel employing ice chilling method to preserve its sharks catches and transporting such sharks catches to land in a domestic port, shark fins shall not be fully cut off and shall be naturally attached to the carcasses (hereinafter referred to as “fins naturally attached”).

For any large scale longliner employing freezing method to preserve its sharks catches and transporting such sharks catches to land in a domestic port, shark fins shall be naturally attached.

For any small scale longliner employing freezing method to preserve its sharks catches and transporting such sharks catches to land in a domestic port, the fins shall be naturally attached or alternatively the dorsal fins and pectoral fins shall be tied to the corresponding carcass, while the caudal fins may be stored separately. The caudal fins and carcasses shall be transshipped or landed concurrently in the same shipment, and the number of caudal fins shall be consistent with that of carcasses.

For any fishing vessel of the seasonal sharks group that transporting its catches of blue shark by itself to land in a domestic port, shark fins and carcasses shall be landed concurrently in the same shipment, and the weight of fins shall not be more than 5% of the weight of such shark catches. The disposal of fins shall be exempted from the provisions stipulated in the preceding paragraph.

#### **Article 59**

In case of at-sea transshipment of shark catches, shark carcasses and fins shall be transshipped or landed concurrently in the same shipment.

When sharks catches arrive at the first foreign port of landing, the weight of fins shall not be more than 5% of the weight of the shark catches.

### **Chapter IX The Designation and Management of Ports for Transshipment or Landing**

#### **Article 60**

Any fishing vessel intending to conduct transshipment or landing at foreign ports located in the Pacific Ocean shall be limited to the ports stipulated in Appendix 19.

Any fishing vessel with the distant water fisheries permit to fish in the Atlantic or Indian Ocean applying for landing or

transshipping in the ports as listed in Appendix 19 shall apply for the authorization from the competent authority 14 days before the fishing vessel enters into the port.

#### **Article 61**

Any carrier vessel intending to transship catches from catching vessel(s) shall meet any of the following requirements:

- (1) It is a carrier vessel of the Republic of China and has obtained the distant water fisheries permit;
- (2) It is a foreign carrier vessel listed on the carrier lists of the WCPFC or the IATTC, and has been installed with the ALC which meets the standards specified by the competent authority. At least one position in every four hours shall be sent to the commissioned professional institution; or
- (3) It is a part-time carrier vessel authorized by the competent authority.

#### **Article 62**

The distant water fisheries operator of any tuna longline fishing vessel of 80 GT and above may apply for such vessel to conduct part-time transshipment.

The number of part-time carrier vessels shall be limited to ten every year. In case that the number of applications exceeds ten, it shall be decided in accordance with the order of sequence.

The period of the authorization granted to the part-time carrier vessel shall be one year. During such period, any part-time carrier vessel shall not fish, and shall land only in ports of the Republic of China.

The competent authority shall revoke the authorization of any authorized part-time carrier vessel that does not transship any catch for six months starting from the date of authorization. The competent authority shall, in accordance with the order of sequence as referred to in paragraph 2, authorize the fishing vessel in the next order as the part-time carrier vessel.

#### **Article 63**

Any carrier vessel or part-time carrier vessel of the Republic of China shall not transship with, refuel or supply any fishing vessel not listed in the authorized fishing vessel lists of IATTC or WCPFC, or any fishing vessel that has altered its name or registration number.

#### **Article 64**

In case of any of the following circumstances, the competent authority shall list the foreign carrier vessel concerned which transships catches from any catching vessel on the non-cooperative carrier vessels list:

- (1) The foreign carrier vessel has violated any provision regarding vessel position reporting; or
- (2) The foreign carrier vessel has violated any provision regarding transshipment or landing.

#### **Article 65**

The at-sea transshipment shall not be conducted in the EHSP from 1 January 2019.

#### **Article 66**

For any small scale longliner approved to fish in the eastern Pacific swordfish fishing area, its catches shall be landed only in the ports of the Republic of China.

#### **Article 67**

Any carrier vessel intending to conduct transshipment at sea shall receive an observer in accordance with the regional observer program of the IATTC or WCPFC to conduct observation mission on board. For any carrier vessel intending to conduct transshipment in port, it shall receive the observer designated by the competent authority to conduct observation mission on board.

The distant water fisheries operator whose tuna longline fishing vessel(s) conducts transshipment at sea on the Convention Water(s) shall share the cost for the implementation of the regional observer program in accordance with such program of IATTC or WCPFC.

#### **Article 68**

For any carrier vessel intending to transship in port or at sea, the distant water fisheries operator shall submit the transshipment plan and relevant information and apply to the competent authority ten working days before the in-port transshipment or 30 days before the at-sea transshipment for approval. The content of the information to be submitted is as shown in Appendix 20.

In case of any addition to the list of catching vessel(s) in the transshipment plan approved by the competent authority, the application shall be submitted three working days before making such addition to the competent authority for approval. The transshipment with the concerned catching vessel(s) may only be conducted after the approval has been granted. Any application submitted after the prescribed deadline shall be denied.

In case that the number of catching vessel(s) listed in the transshipment plan as referred to in the preceding paragraph is reduced, such change shall be reported to the competent authority within three working days of such change.

#### **Article 69**

In case of any of the following circumstances, the application of transshipment plan made in accordance with Article 68 shall be denied:

- (1) The carrier vessel concerned does not meet the requirements stipulated in Article 61;
- (2) Three years have not passed since the carrier vessel concerned was listed on the non-cooperative carriers list; or
- (3) The fine for violating the Act imposed on the carrier vessel concerned has not been paid completely.

#### **Article 70**

Any catching vessel or carrier vessel that intends to conduct transshipment shall respectively apply for the approval from the competent authority before the transshipment.

Any distant water fisheries operator or captain applying for the approval as referred to in the preceding paragraph shall fill in the Transshipment Notification and submit it to the competent authority three working days before the estimated date of transshipment. The formats of the Transshipment Notification for tuna longline fishing vessels are as shown in Appendix 21 and 22.

The format of the Transshipment Notification for tuna purse seine fishing vessels is as shown in Appendix 23.

#### **Article 71**

In case of any of the following circumstances, the competent authority may not authorize the concerned catching vessel and the carrier vessel to transship at sea:

(1) The ALC on board is mal-functional and has not been repaired.

(2) Entering into waters under national jurisdictions of other countries without valid authorization for the catches to be transshipped.

#### **Article 72**

In the event that the catch of any catching vessel transshipped in port is stored in a cold storage in a foreign port or a container pending sales, an application shall be made pursuant to Article 70 before re-transshipping such catch.

#### **Article 73**

The catching vessel or carrier vessel which obtains the approval to transship pursuant to Article 70 shall not conduct the transshipment in the event that the ALC on board is signal-lost and has not been repaired.

#### **Article 74**

The WCPFC transshipment declaration shall, within one working day after the completion of transshipment in the WCPFC Convention Area or the transshipment of any catch taken from the WCPFC Convention Area conducted by the carrier vessel, be filled in and submitted to the competent authority. The format of the WCPFC Transshipment Declaration is as shown in Appendix 24.

For transshipment in the IATTC Convention Area conducted by the carrier vessel, the IATTC Transshipment Declaration shall, within 24 hours after the completion of transshipment, be filled in and submitted to the IATTC Secretariat, with a copy to the competent authority. The format of the IATTC Transshipment Declaration is as shown in Appendix 25.

The distant water fisheries operator or the captain of any catching vessel shall, within seven working days after the completion of transshipment, submit the Transshipment Declaration to the competent authority. The formats for tuna longline fishing vessels are as shown in Appendix 24 and 25, and for tuna purse seine fishing vessels, the format is as shown in Appendix 26.

#### **Article 75**

The catching vessel which may conduct transshipment with the part-time carrier vessel shall be limited to the catching vessel that has been approved by the competent authority to engage in fisheries cooperation with foreign country.

The catching vessel approved to transship with the part-time carrier vessel shall transship in the port of the foreign country with which the fisheries cooperation is engaged, and shall comply with relevant management regulations of that foreign country. The distant water fisheries operator of such catching vessel shall also conduct the following matters:

(1) Filling in the Form of Transshipment Details and delivering it to the distant water fisheries operator of the part-time carrier vessel for compilation within one working day after the completion of the transshipment. The format of the Form of Transshipment Details is as shown in Appendix 27.

(2) Submitting, within ten working days after the completion of landing and selling the catches, relevant documents of fish markets confirming the sale of catches to the competent authority for the write-offs.

To land catches in the fish market, the distant water fisheries operator of the part-time carrier vessel which conducts transshipment with the approved catching vessel as referred to in the preceding paragraph shall, seven working days before such part-time carrier vessel returns to the Republic of China after the completion of in-port transshipment, report the total transshipped amount of that transshipment, the Form of Transshipment Details of each catching vessel and the estimated date of returning to the domestic port for landing to the competent authority.

#### **Article 76**

The distant water fisheries operator or the captain of any catching vessel intending to enter a domestic/foreign port to land the catch by itself, or by assigning a carrier vessel or container vessel shall, three working days before the landing, fill in the Advance Notice of Landing and submit to the competent authority for approval. The format of the Advance Notice of Landing is as shown in Appendix 28.

For any tuna purse seine fishing vessel that has submitted the transshipment declaration in accordance with the relevant regulations, it shall be deemed as having applied for the landing approval in accordance with the preceding paragraph.

#### **Article 77**

The distant water fisheries operator or captain of any catching vessel shall fill in and submit to the competent authority the Landing Declaration within five working days after the completion of landing. The format of the Landing Declaration is as shown in Appendix 28.

The term "completion of landing" as referred to in the preceding paragraph means a shipment of catch has completed its whole weighing process at one fishing port during specific period.

In the event that catches have been landed in batches at different ports, the landing declaration of each batch of catch shall be submitted separately within the deadline as prescribed in the preceding paragraph.

#### **Article 78**

The distant water fisheries operator and captain of any fishing vessel shall accept port inspections conducted by the competent authority or the independent third party for the verification of the catch landed or transshipped.

The distant water fisheries operator or captain of any fishing vessel that is designated by the competent authority to be inspected shall comply with the following:

- (1) For inspections conducted by the competent authority: the landing or transshipment shall only be started after the personnel of the competent authority has arrived.
- (2) For inspections conducted by the independent third party: application and contact with the independent third party shall be made, and the landing or transshipment shall only be started after the personnel of the independent third party has arrived.

The cost incurred from any inspection on catches conducted by the independent third party at the foreign ports shall be borne by the distant water fisheries operator of the vessel being inspected.

#### **Article 79**

The distant water fisheries operator of any catching vessel

shall, within 60 days after the completion of landing, submit sales or inventory information to the competent authority. The sales information shall at least include buyer(s), fish species and quantities.

## **Chapter X Observation and Inspection during Fishing Operations**

### **Article 80**

The distant water fisheries operator of any fishing vessel that receives the observer dispatched by the competent authority shall comply with the following:

- (1) He/she shall notify the competent authority in writing seven working days before the date of estimated port entry or departure.
- (2) To embark and disembark the observer at the time and place informed by the competent authority.
- (3) To provide the observer, while onboard the vessel, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- (4) To instruct the captain and crew of the vessel matters related to the cooperation with or assisting the observer in carrying out the duties.

### **Article 81**

The captain of any fishing vessel that receives the observer dispatched by the competent authority shall comply with the following:

- (1) The captain shall attend the pre-sail training course given by the competent authority.
- (2) When an observer is on board the fishing vessel, the captain shall inform the observer of the daily routine, personal safety and vessel equipment.
- (3) The captain shall cooperate with and assist the observer in carrying out duties, and shall not evade, obstruct or refuse to answer the inquiry related to the observation mission.
- (4) The captain shall not interfere with, assault, intimidate, or bribe the observer.
- (5) The captain shall provide the observer with adequate space, facilities, equipment and information on the vessel necessary for his daily living and for carrying out his/her duties.
- (6) The captain shall request the crew to comply with the provision stipulated in the preceding three subparagraphs.
- (7) The captain shall sign on the record(s) of observation written by the observer. In case there are different views on the record(s) of the observer, captain's opinions may be added.
- (8) The captain shall ensure the safety of the observer. In case of emergency or distress, special care and refuge shall be provided to the observer.

### **Article 82**

In the event of boarding and inspection conducted by the inspector(s) dispatched by the competent authority, any captain and crew of the inspected vessel shall cooperate with, facilitate the safe boarding and disembarkation of the inspector(s), and provide the inspector(s) with adequate space, facilities and equipment for carrying out the duties.

### **Article 83**

In the event that an observer dies or the search and rescue are ceased for a missing observer fallen overboard, the fishing vessel shall immediately cease fishing operations, and the competent authority shall order such vessel to navigate directly to the port designated by the competent authority for

investigation.

In the event that an observer suffers from a serious illness or injury that threatens his or her health or safety, the fishing vessel shall immediately cease fishing operations and facilitate the disembarkation of the observer for appropriate medical treatment.

In the event that an observer is assaulted, intimidated, threatened, or harassed, the competent authority shall order such vessel to immediately cease fishing operations and navigate to the designated port within the required timeframe.

## **Chapter XI Tuna Purse Seine Fishing Vessels**

### **Article 84**

Matters related to the management of tuna purse seine fishing vessels shall be governed by this Chapter. Matters not stipulated in this Chapter shall be governed by these Regulations.

### **Article 85**

The total number of fishing days on the high seas of tuna purse seine fishing vessels shall not exceed the limit of the total number of fishing days for the current year promulgated by the competent authority.

### **Article 86**

Any tuna purse seine fishing vessel shall not use or retrieve any fish aggregating device (hereinafter referred to as "FAD" ) and shall not catch the school of fish associated with FAD(s) on the high seas or during the FAD closure period promulgated by the competent authority.

The definition of FAD as referred to in the preceding paragraph means any object, creature or method, regardless of size, living or non-living, floating on or near the water surface or semi-submerged in the water, that is capable of aggregating fish. Types include buoys, floats, webbings, weaved items, plastic, drifting woods (bamboo, timber, log, etc), creature (such as whale shark), fishing vessel itself or another vessel, underwater light and casting bait.

During the period of FAD closure, any tuna purse seine fishing vessel shall report its position once in every 30 minutes, and manual report while fishing shall be prohibited.

### **Article 87**

The annual limit on the number of fishing days on the high seas and the period of FAD closure for tuna purse seine fishing vessels shall be promulgated by the competent authority in accordance with the conservation and management measures.

The period for using the fishing days on the high seas is from January 1 to December 31 of the current year.

### **Article 88**

Any tuna purse seine fishing vessel shall, during the period of port departure to port entry, carry on board the observer who meets the requirements of the international fisheries organization(s), and shall report the list of observer(s) to the competent authority prior to port departure. In case of special circumstances and with the competent authority's approval, such provision may not apply.

In case of any change to the observer as referred to in the preceding paragraph, the list of observer(s) shall be reported to the competent authority prior to such change.

For any tuna purse seine fishing vessel fishing in the exclusive economic zone of a foreign country with which the fisheries cooperation is engaged, such vessel shall carry the observer approved by that foreign country.

#### **Article 89**

Any captain of the tuna purse seine fishing vessel fishing on the high seas shall, within one working day after the completion of the fishing operation, fill in the Form of Number of Fishing Days on the High Seas and submit it to the Purse Seine Association. The Purse Seine Association shall compile the Form of Number of Fishing Days on the High Seas every week and submit to the competent authority for perusal. The format of the Form of Number of Fishing Days on the High Seas is shown as Appendix 29.

In case that the total fishing days on the high seas has reached to 80% of the limit of the current year, the competent authority shall notify all tuna purse seine fishing vessels of the time to stop fishing on the high seas.

#### **Article 90**

Any purse seine fishing vessel shall not set on a school of fish associated with a cetacean or whale shark.

#### **Article 91**

Any tuna purse seine fishing vessel shall not engage in transshipment, supplying or refueling on the high seas, and shall land or transship in port.

#### **Article 92**

Any skipjack, bigeye tuna or yellowfin tuna caught by any purse seine fishing vessel shall be retained on board, except for the conditions stipulated in paragraph 2 of this Article.

In case of one of the following conditions for the skipjack, bigeye tuna or yellowfin tuna caught by the final set of a fishing trip of any purse seine fishing vessel, such catches may be discarded. The captain or distant water fisheries operator of such vessel shall record the amount of discard on the logbooks and the E-logbook and, within 48 hours, fill in and submit the Discard Notification of Purse Seiner Catches to the WCPFC Secretariat, the competent authority and the observer onboard. The format of Discard Notification of Purse Seiner Catches is as shown in Appendix 30:

- (1) There is insufficient well space.
- (2) The catch is unfit for human consumption.
- (3) Serious malfunction of equipment of the vessel occurs.

#### **Article 93**

Any tuna purse seine fishing vessel shall carry the scoop/dip net to safely release any sea turtle incidentally caught.

In the event that a cetacean, whale shark or sea turtle is incidentally caught in the purse seine net or encircled in the FAD, the captain shall take all possible measures to safely release such species, and fill in the report for submission to the competent authority for perusal within 60 days after the incident happened. The format of the report is as shown in

## **Chapter XII Special Management Measures for High Risk Fishing Vessels**

### **Article 94**

Matters related to the management of high risk fishing vessels categorized by the competent authority shall be governed by this Chapter. Matters not stipulated in this Chapter shall be governed by these Regulations.

### **Article 95**

Any distant water fisheries operator of the high risk fishing vessels shall, starting from the date that the competent authority informs the distant water fisheries operator of such vessel, comply with the special management measures as follows:

- (1) Any high risk fishing vessel shall not engage in fisheries cooperation by means of being chartered to any foreigner.
- (2) For each fishing trip of such vessel, the observer dispatched by the competent authority shall be carried on board, or the functional electronic monitoring equipment shall be installed on board before leaving a port. For such vessel that has carried on board the observer who meets the requirement of the international fisheries organization(s), it shall be exempted.
- (3) The vessel positions shall be transmitted hourly at least.
- (4) Catch reports shall be conducted in accordance with provisions stipulated in Chapter VII.
- (5) Such vessel shall not conduct at-sea transshipment.
- (6) In case of transshipment or landing in port, inspections shall be conducted by the competent authority or the independent third party.

### **Article 96**

In the event that any high risk fishing vessel does not violate any regulation for one year starting from the date of being listed as high risk fishing vessel, such vessel shall be de-listed and exempted from the special management measures.

## **Chapter XIII Supplemental Provisions**

### **Article 97**

Any catching vessel shall not fish within one nautical mile off a data buoy, or take on board, possess or cause damage to the data buoy.

In case that the fishing gear becomes entangled with the data buoy, the entangled fishing gear shall be removed with as little damage to the data buoy as possible.

In case of finding any data buoy that is damaged or non-functional, the captain shall report to the competent authority the date, location, and the identifying information on the data buoy.

### **Article 98**

To prevent harming marine living species, any fishing vessel shall not dispose any type of plastic trash or discharge any oil on the sea.

### **Article 99**

These Regulations shall become effective on January 20, 2017.

