Content

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Content：

Chapter I General Principles

Article 1

These Regulations are hereby 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”).

Article 2

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) “Indian Ocean” means the waters of the Indian Ocean bounded by the following line: from the south coast of South Africa due south along the 20°E to its intersection with the 45°S; thence due east along the 45°S to its intersection with the 80°E; thence due south along the 80°E to its intersection with the 55°S; thence due east along the 55°S to its intersection with the 150°E; thence due north along the 150°E to its intersection with the coast of Australia; thence in a westerly direction round the south, the west and the northwest coasts of Australia to a point at 129°E; thence due north along the 129°E to its intersection with 8°S; thence due west along the 8°S to its intersection with 113°28'E; thence due north alone with the 113°28'E to the south coast of Java at 8°23'S; thence in a westerly direction along the coasts of Java and Sumatra; thence round the coast of Sumatra running south in the Strait of Malacca; thence across the Strait at 2°30'N to meet the coast of Malay Peninsula; thence due north along the 2°30'N of the west coast of Malay Peninsula; thence along the coasts to the intersection between the south coast of South Africa and 20°E. The area is as shown in Appendix 1.
(3) 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).
(4) “Carrier vessel” means the following vessels that conduct the transshipment of catches from tuna longline fishing vessel(s) 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.

Article 3

Fishing vessels proceeding to the Indian Ocean to catch highly migratory species such as, tunas, billfishes, sharks, skipjack, or mahi mahi shall be limited to tuna longline fishing vessels of 20 Gross Tonnage (GT) and above.

"Regulations for Fishing Vessels Conducting Southern Bluefin Tuna Fishery" shall also be applied to any tuna longline fishing vessel catching southern bluefin tuna.

Article 4

Fishing areas for tuna longline fishing vessels of 100 GT and above (hereinafter referred to as "large scale longliners") fishing in the Indian Ocean are divided as follows:
(1) Bigeye tuna fishing area: the Indian Ocean north of 30°S, excluding the high risk area of piracy which is bounded by the following lines: from the east coast of Kenya due east along the 4°S to its intersection with 44°E; thence due northeast to the intersection between the equator and the 49°E; thence to the intersection between the 15°N and the 61°E; thence due west along the 15°N to the west off the east coast of Yeman. The area is as shown in Appendix 2.
(2) Oilfish fishing area: the Indian Ocean south of 30°S. The area is as shown in Appendix 3.
(3) Albacore tuna fishing area: the Indian Ocean west of 75°E and south of 15°S; and east of 75°E and south of 10°S. The area is as shown in Appendix 4.

The fishing area for tuna longline fishing vessels of 20 GT and above and less than 100 GT (hereinafter referred to as "small scale longliners") in the Indian Ocean is the Indian Ocean except for the high risk area of piracy. The area is as shown in Appendix 5.

Any small scale longliner shall not fish in the area south of 28°S and east of 65°E from April to September every year.

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

Article 5

Tuna longline fishing vessels proceeding to the Indian 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. 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.
ii. General group: no specific target species.

Article 6

Limits on the number of tuna longline fishing vessels fishing in the Indian Ocean are as follows:
(1) For large scale longliners:
i. Bigeye tuna group: the number of fishing vessels is limited to 153.
ii. Albacore tuna group: the number of fishing vessels is limited to 37.
(2) For small scale longliners:

i. Frozen yellowfin tuna group: the number is limited to 36.
ii. General group: the number is limited to 350.

Chapter II Application and Issuance of the Distant Water Fisheries Permit

Article 7

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 Indian Ocean in the following year shall fill in the application form, formats of which are as shown in Appendix 6 to 8, 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 of 100 GT and above, the copy of the fishing license shall contain the International Maritime Organization (IMO) ship identification number or Lloyd's Register (LR) number.
(2) 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.
(3) 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.

Article 8

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 or of the bigeye tuna group concurrently conducting part-time fishing for albacore or yellowfin tuna.

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.
(3) It is a fishing vessel with a fishing license of longline fishery which were formerly authorized to fish in the Indian Ocean and also authorized to operate non tuna longline fishery under fisheries cooperation with a foreign country.

Article 9

For the application of the distant water fisheries permit of the following year, the documents prescribed in Article 7 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 carrier vessel(s) of the Republic of China, he/she shall apply to the competent authority before October 31 of the current year.

Article 10

In the event that the number of fishing vessels applying for the distant water fisheries permits of the bigeye tuna or albacore tuna group exceeds the limit of respective group, the Tuna Association shall draw lots to decide the priority in an equitable and impartial manner.

In the event that the number of fishing vessels applying for the general group exceeds the limit, the competent authority shall draw lots to decide the priority in an equitable and impartial manner.

Article 11

For any fishing vessel applying for the distant water fisheries permit of the frozen yellowfin tuna group, the competent authority shall come up with a list of vessel priority in accordance with the following sequence of priority:
(1) First priority: the fishing vessel was formerly approved by the competent authority as the frozen yellowfin tuna group in the Indian Ocean and has not lost such qualification; or the fishing vessel is newly built which has received the replacement tonnage of a tuna longline fishing vessel of the frozen yellowfin tuna group in the Indian Ocean.
(2) Second priority: the fishing vessel was formerly approved by the competent authority as the frozen yellowfin tuna group in the Pacific Ocean and has not lost such qualification.
(3) Third priority: the fishing vessel was the small scale longliner which is approved as the general group in the current year in the Indian Ocean.

In the event that the number of applying fishing vessels in the preceding paragraphs exceeds the limits, 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 which obtain the distant water fisheries permits of the frozen yellowfin tuna group does not reach the limit of the current year, the vacancy shall be filled pursuant to the sequence of priority prescribed in the preceding two paragraphs, and the competent authority may announce in due course to accept applications, notwithstanding the application deadline prescribed in Article 9.

Article 12

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 oilfish fishing area in the current year, notwithstanding the application procedures and deadline prescribed in Article 9.

Article 13

In case of any of the following conditions, the distant water fisheries operator may submit the documents prescribed in Article 7 and apply for the distant water fisheries permit to the competent authority, notwithstanding the application procedures and deadline prescribed in Article 9:
(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.

Article 14

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 15

Fishing vessels intending to interchange the groups or fishing Oceans shall apply for the approval from 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 of

groups 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 empted 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.

Chapter III Fishing Vessel and Fishing Gear Markings

Article 16

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 17

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 9.

Article 18

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 19

Fishing gear(s) of any tuna longline fishing 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).

The devices as referred to in the preceding paragraph shall be marked with the same CT number or IRCS as the tuna longline fishing vessel concerned.

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

Article 20

For any tuna longline fishing 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 21

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 10, to release incidentally caught seabirds and sea turtles.

Article 22

Any longline fishing vessel fishing in the Indian Ocean south of 25°S shall employ at least two of the following three seabird bycatch mitigation measures, the specifications of which are as shown in Appendix 11, and shall record the mitigation measures taken during each fishing operation on the E-logbook and logbooks:

(1) Night setting with minimum deck lighting.
(2) Tori lines.
(3) Weighted branch lines.

Chapter V Catch Limits or Quotas

Article 23

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 and yellowfin tuna.

Article 24

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 Indian Ocean and the quota for individual tuna longline fishing vessel shall be promulgated by the competent authority in accordance with the conservation and management measures.

The annual total catch quota of the species with catch limit shall be allocated to the large scale longliners and small scale longliners in accordance with the following percentage:

(1) Bigeye tuna: 85.7% for large scale longliners, and 14.3% for small scale longliners.
(2) Yellowfin tuna: 43% for large scale longliners, and 57% for small scale longliners.

In the event that the catch amount of yellowfin tuna has reached 95% of the quota allocated to large or small scale longliners, the competent authority may order large or small scale longliners to stop catching yellowfin tuna by a deadline.

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

The total remaining quota of the current year in the Indian Ocean may be arranged by the competent authority.

Article 25

The distant water fisheries permit of the current year shall be obtained for granting the quota of the current year to the tuna longline fishing vessel. For any tuna longline fishing 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 26

The catch amount (unprocessed round weight, hereinafter the same when referring to “catch amount” in the following provisions) of the fish species with catch limit for any tuna longline fishing 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 27

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 tuna longline fishing vessel actual fishes accounts for the whole year; shall retrieve the quota on a pro-rata basis from the tuna longline fishing 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 tuna longline fishing vessel is punished by the competent authority of the suspension of the fishing license for one month and above.

(2) The tuna longline fishing vessel is detained in the port by foreign government.

Article 28

Any small scale longliner shall not target bigeye tuna.

The targeting of bigeye tuna as referred to in the preceding paragraph means 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.

Article 29

For any tuna longline fishing vessel which changes the fishing Ocean or group with other vessel pursuant to Article 15, 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.

For any vessel of the general group that fishes in the Pacific and Indian Ocean, its total annual individual vessel quota of bigeye tuna shall be limited to 20 metric tons.

Article 30

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.

The individual vessel quota of yellowfin tuna may, with the approval of the competent authority, be transferred to other fishing vessel(s). After such transfer, the total yellowfin tuna quota of a receiving large scale longliner shall not exceed 100 metric tons, and that of a receiving small scale longliner shall not exceed 90 metric tons.

Article 31

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 in accordance with paragraph 2 shall not be transferred.

Article 32

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.

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

Chapter VI Management of Vessel Position Reporting

Article 33

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.

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

Article 34

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 35

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 36

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 malfunction.

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 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 12.

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

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 malfunction 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 37

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.

Chapter VII Logbooks and Catch Reports

Article 38

In the event that any tuna longline fishing 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 39

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

Article 40

In case that any tuna fishing 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 tuna fishing vessel shall be released when caught alive or discarded dead, and the number(s) be duly recorded on the logbooks and the E-logbook system.

Article 41

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

Article 42

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

Article 43

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

In case that any tuna longline fishing 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 44

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 tuna longline fishing 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 45

Any of the following conditions 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 46

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, shark 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.

Article 47
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 48
Any fishing vessel intending to conduct transshipment or landing at foreign ports located in the Indian Ocean shall be limited to the ports stipulated in Appendix 13.

Any fishing vessel with the distant water fisheries permit to fish in the Atlantic or Pacific Ocean applying for landing or transshipping in the ports as stipulated in Appendix 13 shall apply for the authorization from the competent authority 14 days before the fishing vessel enters into the port.

Article 49
Any carrier vessel intending to transship catches from tuna longline fishing 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; or
(2) It is a foreign carrier vessel listed on the carrier list of the India Ocean Tuna Commission (hereinafter referred to as “IOTC”), 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.

Article 50
Any carrier vessel of the Republic of China shall not transship with, refuel or supply any fishing vessel not listed in the authorized fishing vessel list of IOTC, or any fishing vessel that has altered its name or registration number.

Article 51
In case of any of the following circumstances, the competent authority shall list the foreign carrier vessel concerned which transships catches from tuna longline fishing vessel(s) on the non-cooperative carriers list:
(1) The foreign carrier vessel has violated any provision regarding vessel position reporting;
(2) The foreign carrier vessel has violated any provision regarding transshipment or landing.

Article 52
Any tuna longline fishing vessel under 24 meters shall not conduct transshipment at sea.

Article 53
Any carrier vessel intending to conduct transshipment at sea shall receive an observer in accordance with the IOTC regional observer program 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.

Any distant water fisheries operator whose tuna longline fishing vessel(s) conducts transshipment at sea in the Indian Ocean shall share the cost for the implementation of the IOTC regional observer program.

Article 54

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 14.

In case of any addition to the list of the tuna longline fishing 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 tuna longline fishing 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 the tuna longline fishing vessel(s) listed in the transshipment plan 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 55

In case of any of the following circumstances, the application of transshipment plan made in accordance with Article 54 shall be denied:
(1) The carrier vessel concerned does not meet the requirements stipulated in Article 49;
(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 has not been paid completely.

Article 56

Any tuna longline fishing vessel and 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 format of the Transshipment Notification is as shown in Appendix 15.

Article 57

In case of any of the following circumstances, the competent authority may not authorize the concerned tuna longline fishing 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 58

In the event that the catch of any tuna longline fishing 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 56 before re-transshipping such catch.

Article 59

The tuna longline fishing vessel or carrier vessel which obtains the approval to transship pursuant to Article 56 shall not conduct the transshipment in the event that the ALC on board is signal-lost and has not been repaired.

Article 60

The IOTC Transshipment Declaration shall, within 24 hours after the completion of transshipment conducted in the Indian Ocean by any carrier, be filled in and submitted to the IOTC and the competent authority. The format of the IOTC Transshipment Declaration is as shown in Appendix 16.

The IOTC transshipment declaration shall, within 24 hours after the completion of transshipment conducted in port by any carrier, be filled in and submitted to the authority concerned of the port State and the competent authority.

The distant water fisheries operator or the captain of any tuna longline fishing vessel shall, within seven working days after the completion of transshipment, submit the Transshipment Declaration to the competent authority. The format of the Transshipment Declaration is as shown in Appendix 16.

Article 61

The distant water fisheries operator or the captain of any tuna longline fishing 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 17.

Article 62

The distant water fisheries operator or captain of any tuna longline fishing 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 17.

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 63

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 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 be started only 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 be started only 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 64

The distant water fisheries operator of any tuna longline fishing 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 65

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 intended 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 66

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 67
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.

Chapter XI Special Management Measures for High Risk Fishing Vessels

Article 68
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 69
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 of these Regulations.
(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 70
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 XII Supplemental Provisions

Article 71
Any tuna longline fishing 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 72
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 73** These Regulations shall become effective on January 20, 2017.
Attachments：	Articles and Appendix.pdf

Data Source：MINISTRY OF AGRICULTURE Laws and Regulations Retrieving System