Content

Title：	Regulations for Tuna Longline Fishing Vessels Proceeding to the Indian Ocean for Fishing Operation Ch
Date：	2019.04.18
Legislative：	The full text of 73 articles promulgated on 20 January 2017 by the Council of Agriculture, Executive Yuan under Order No. 1061332058. Part of these Regulations, Appendix 10 of Article 21, and Appendix 11 of Article 22 amended on 30 January 2018 by the Council of Agriculture, Executive Yuan under Order No. 1061339855. Part of these Regulations, Appendix 13 of Article 48, Appendix 16 of Article 60, and Appendix 17 of Article 61 and 62 amended on 18 April 2019 by theCouncil of Agriculture, Executive Yuan under Order No. 1081333642.
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 longling 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 50.
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 which shall contain the International
Maritime Organization (IMO) ship identification 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;
(6)The suspension of the fishing license has been executed completely or the fine imposed has been paid up; or
(7)Addition of fishing area(s) for a carrier vessel which has obtained the

distant
water fisheries permit of the current year.

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.

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.

Vessel markings shall be painted with marine coating. Characters of the Chinese vessel name shall be block letters, and the numbers may be Arabic numerals. Characters of the English vessel name, CT numbers and the IRCS shall be capital letters and Arabic numerals. The height, width, and colors of characters shall meet the specifications as shown in Appendix 9.

Article 18

Vessel markings shall be placed in accordance with the following:

(1)The Chinese vessel name shall be placed on the port bow and the starboard bow, and the center of stern or port quarter or starboard quarter, where the vessel name is clearly visible.

(2)The English vessel name shall be placed on the port bow and the starboard bow, and the center of stern or port quarter or starboard quarter, under the Chinese vessel name.

(3)The CT numbers shall be placed on the port bow and the straboard bow, under the English vessel name.

(4)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 total catch amount of a species with catch limit has reached
95% of the annual total catch quota as referred to in paragraph 1, the

competent
authority may order the whole tuna longline fishing fleet to stop catching the
concerned species by a deadline.

In the event that the total catch amount has reached 95% of the quota allocated to
large or small scale longliners fleet as referred to in paragraph 2, the competent
authority may order the large or small scale longliners fleet to stop catching the
concerned species 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.
Notwithstanding such provision, in the event that the ownership of any tuna longline
fishing vessel transfers and the quota used by the original distant water fisheries
operator exceeds the percentage that the number of month(s) approved accounts for
the whole year, the unused quota of such vessel in the current year shall be granted
to the new distant water fisheries operator.

In case of any of the following circumstances, the competent authority shall retrieve
the unused quota of the tuna longline fishing vessel concerned in the current year:
(1)Loss of a tuna longline fishing vessel.
(2)Revocation or withdrawal of the fishing license imposed by the competent
authority.
(3)Revocation or withdrawal of the distant water fisheries permit imposed by the
competent authority.

Article 26
The catch amount 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.

In the event that the catch amount of the fish species with catch limit of any tuna

longline fishing vessel has reached 90% of the individual vessel quota, the competent
authority may order such vessel to stop catching the concerned species by a deadline.

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 of
the current year 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.

For any fishing vessel approved to be engaged in fisheries cooperation by means of being
chartered, the quota shall not be granted to such vessel during the period of such fisheries
cooperation. In case that the quota has been granted, the competent authority shall retrieve
the quota of the current year in accordance with the percentage that the number of month(s)
for fisheries cooperation accounts for the whole year. In case that the quota of the current
year is unable to be retrieved, the competent authority shall deduct the quota allocated for
such vessel in the following year.

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 during six months exceeds over 50% of its total catch
amount of the same period.

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: 100 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 been imposed upon any
punishment pursuant to Article 35, 36 or 40 of the Act in the current year.
(3)In case that the transferring or receiving fishing vessel has been imposed upon a fine
or the suspension of the fishing license pursuant to Article 41 of the Act in the current
year, such punishment has been paid or executed completely.

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 120 metric
tons, and that of a receiving small scale longliner shall not exceed 100 metric tons.

Article 31
The competent authority may, after May of each year, announce the additional bigeye tuna
quota that can be applied for.

Any tuna longline fishing vessel of the bigeye tuna group or the frozen yellowfin tuna
group applying for the additional quota as referred to in the preceding paragraph shall
use its individual vessel quota of bigeye tuna for up to 70%, and shall not exceed the
quota allocated at the time of application.

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 60
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.

The ALC on board any fishing vessel shall automatically transmit at least one vessel
position in every hour.

Fees for the services and communications of the ALC shall be borne by distant water
fisheries operators. The competent authority may subsidize depending on the financial
situation of the government.

Except for the purpose of repair or replacement approved by the competent authority,
any ALC which has been installed on board and has transmitted a vessel position shall
not be removed from the fishing vessel.

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 dry docking; or in a foreign port for seven days and above, 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.

In the case of a fishing vessel applying for switching off the ALC during its stay in a
foreign port for the purposes except for dry docking, a photograph showing the berthing
of such fishing vessel shall be provided weekly. The competent authority may order to
switch on the ALC concerned in case of failing to provide the photograph in due course.

The period of switching off the ALC as approved in accordance with paragraph 1 shall not
exceed six months for each application. Extension may be applied by the distant water
fisheries operator concerned in accordance with paragraph 1 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 four times consecutively for
any fishing vessel. 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 immediately 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 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 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 and inspection(s) conducted by personnel dispatched by the competent authority, and 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 entry and confirmation of position transmitting as
referred to in the preceding paragraph shall be borne by the distant water fisheries operator.

Article 37-1
For any fishing vessel that is not within the water under the national jurisdiction of the Republic
of China and without a valid distant water fisheries permit, it shall still maintain its ALC
operational year-round, and Article 33 to 37 shall apply to such vessel.

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 also
fill in the logbooks designated by the competent authority. Catch reports shall be filled in
completely and accurately, and where the catch amount is zero, catch reports shall be filled in
as well.

In case that there is any discrepancy between any datum recorded in the E-logbook system and the
logbook, the datum recorded in the E-logbook system shall prevail.

In case that the E-logbook system fails to report catch data on the day, the distant water
fisheries operator or the captain shall transmit catch data via facsimile to the competent
authority or the commissioned professional institution next day. Such catch data shall be signed
by the distant water fisheries operator or the captain.

In the event that the E-logbook system fails to report catch data for five consecutive days, it
is deemed as mal-function. 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 and inspection(s) conducted by personnel dispatched by the
competent authority, and 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 entry and confirmation of E-logbook system as
referred to in the preceding paragraph shall be borne by the distant water fisheries operator.

Article 39
Any tuna longline fishing vessel shall not catch southern bluefin tuna without permission,
and in case of bycatch, the fishing vessel shall immediately discard such catch and record
the amount of discard in the logbooks and E-logbook system.

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

Any tuna longline fishing vessel shall not catch or retain striped marlin, blue marlin, black
marlin, or Indo-Pacific sailfish smaller than 60 centimeters Lower Jaw Fork Length (LJFL), and
the incidental catch shall be released when being caught alive or discarded dead, and the
number(s) shall be duly recorded 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 datum reported through the E-logbook system shall not be altered or amended, unless there is
apparent error with the content 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.

Article 44
The discrepancy between the catch amount recorded in the E-logbook during one fishing trip of
any tuna longline fishing vessel and the actual landing amount shall not exceed the following
margins:
(1)For species with catch limit: 10% of the actual landing amount.
(2)For albacore tuna, oil fish, swordfish, or blue marlin: 20% of the actual landing amount.
(3)For species except for those referred to in the preceding two subparagraphs: 25% of the
actual landing amount.

In case that the discrepancy exceeds the ratio as referred to in the preceding paragraph,
whereas the following provisions are met, the competent authority, at its discretion, may
deem such situation as non-misreporting:
(1)For species with catch limit, the discrepancy is less than two metric tons.
(2)For albacore tuna, oil fish, swordfish, or blue marlin, the discrepancy is less than
four metric tons.
(3)For species except for those referred to in the preceding two subparagraphs, the
discrepancy is less than six metric tons.

The discrepancy as referred to in subparagraphs (1) and (2) of the preceding two paragraphs
shall be calculated by each species. The discrepancy as referred to in subparagraph (3) of
the preceding two paragraphs shall be calculated by sharks and other species respectively.

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 and the actual landing amount exceeds two metric tons as well as 20% of the actual landing amount.
(2)For albacore tuna, oil fish, swordfish, or blue marlin, the discrepancy between the catch amount recorded in the E-logbook and the actual landing amount exceeds four metric tons as well as 50% of the actual landing amount.
(3)For species except for those referred to in the preceding two subparagraphs, the discrepancy between the catch amount recorded in the E-logbook and the actual landing amount exceeds six metric tons as well as 50% of the actual landing amount.

The discrepancy as referred to in subparagraphs (1) and (2) of the preceding paragraph shall be calculated by each species. The discrepancy as referred to in subparagraph (3) of the preceding paragraph shall be calculated by sharks and other species respectively.

Chapter VIII Management of Shark Catch
Article 46
For any tuna longline fishing vessel employing ice chilling method to preserve its sharks catches, shark fins shall not be fully cut off and shall be naturally attached to the carcasses (hereinafter referred to as “fins naturally attached”), and such vessels shall not retain onboard, carry, transship, and land shark catches whose fins are not 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
Any fishing vessel employing freezing method to preserve shark catches shall transship or land shark carcasses and fins concurrently in the same shipment in case of at-sea transshipment.

When sharks catches of the fishing vessels as referred to in the preceding

paragraph
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.

Article 47-1
Tuna longline fishing vessels shall fully utilize the shark catch, which shall not be
discarded except the head, guts and skins.

Chapter IX The Designation and Management of Ports for Transshipment or Landing
Article 48
Any tuna longline fishing vessel intending to conduct transshipment or landing in a
domestic port or a foreign port 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 referred to
in the preceding paragraph 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 shall be sent hourly 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 at sea, the distant water fisheries operator shall submit the transshipment plan and relevant information (as shown in Appendix 14) and apply to the competent authority 30 days before the at-sea transshipment for approval. In case that the last day for filing the application is a national holiday, the application shall be made on the working day before the national holiday.

Any foreign carrier vessel shall, with the enclosure of relevant information as shown in Appendix 14, apply to the competent authority for approval before conducting the transshipment in port with any tuna longline fishing vessel for the first time in the current year.

In case of any addition to the list of the tuna longlie 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.

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 (format as shown
in Appendix 15) and submit it to the competent authority in accordance with the following
prescribed timeframe:
(1)For at sea transshipment: no later than three working days before the estimated date
for transshipment.
(2)For in port transshipment: no later than three days before the estimated date for
transshipment. In case that the last day for filing the application is a national holiday,
the application shall be made on the working day before the national holiday.

Fishing vessels approved by the competent authority to conduct transshipment may transship
the catch on the approved date or within three days after the approved date.

For any transshipment to be conducted not within the period as referred to in the preceding
paragraph, the distant water fisheries operator or the captain concerned shall apply for the
change of transshipment date and obtain the approval from the competent authority before
conducting the transshipment.

Article 57
For any tuna longline fishing vessel or carrier vessel that is under any of the following
circumstances during the current fishing trip, the competent authority shall not authorize
such vessel to transship at sea:
(1)The ALC on board is mal-functional and has not been repaired.
(2)There is concrete evidence to identify such vessel has involved in any serious infringement
as prescribed in subparagraph (4) to (14) or (18) of Article 13, paragraph 1 of the Act.
(3)For species with catch limit, the discrepancy between the amount to be transshipped and the
catch amount reported through the E-logbook system exceeds 10% of the latter.
(4)For albacore tuna, oil fish, swordfish, or blue marlin, the discrepancy between the amount
to be transshipped and the catch amount reported through the E-logbook system exceeds 20% of
the latter.
(5)For sharks and other species, the discrepancy between the amount to be transshipped and
the catch amount reported through the E-logbook system exceeds 25% of the latter.

For any tuna longline fishing vessel or carrier vessel that is under any of the following
circumstances during current fishing trip, the competent authority may not authorize such
vessel to transship at sea:
(1)For the catches to be transshipped, it is suspected that the vessel applying for the
transshipment has operated within the water under the jurisdiction of any

other country
without valid authorization.
(2)The following infractions reported by observers of IOTC regional observer program have
not been improved:
i.No valid fishing license on board.
ii.No logbook as designated by the competent authority on board.
iii.Any vessel marking that is not marked in accordance with Article 16 to 18.
(3)The Transshipment Notification as referred to in Article 56, paragraph 2 is not filled
in completely.

The amount to be transshipped as referred to in subparagraphs (3) and (4) of paragraph 1
shall be calculated by each species. The amount to be transshipped as referred to in
subparagraph (5) of paragraph 1 shall be calculated by sharks and other species
respectively.

Article 58
In the event that the catch of any tuna longline fishing vessel has been landed in a port
and is subsequently transported by a carrier vessel for port departure, it shall be deemed
as transshipment, and Article 56 shall apply.

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
For any transshipment in the Indian Ocean conducted by a carrier vessel, the IOTC
Transshipment Declaration shall, within 24 hours after the completion of such transshipment,
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.

Any carrier vessel shall, within 24 hours after the completion of transshipment in port,
submit the Transshipment Declaration to the competent authority. The format of the
Transshipment Declaration is as shown in Appendix 16.

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
For any tuna longline fishing vessel landing its catch in a domestic or foreign port,
the following person(s) shall fill in the Advance Notice of Landing, format of which
is as shown in Appendix 17, and submit it to the competent authority for approval by
the following deadline; and in case that the last day for filing the

application is
a national holiday, the application shall be made on the working day before the
national holiday:
(1)For the landing conducted by a tuna longline fishing vessel, its distant water
fisheries operator or captain shall submit it no later than three days before the
estimated date for landing.
(2)For the landing conducted by a tuna longline fishing vessel with the catch
subsequently being transported by commissioning a container vessel, the distant water
fisheries operator or the captain of such longline vessel shall submit it no later than
three days before the estimated date for landing.
(3)For the landing conducted by a carrier vessel, the distant water fisheries operator
of a tuna longline fishing vessel shall submit it no later than three days before the
estimated date for landing.

Notwithstanding the provision stipulated in the preceding paragraph, for any tuna longline
fishing vessel that employs ice-chilling method to preserve its catch and lands in a port
of a foreign country with which the fisheries cooperation is engaged, its distant water
fisheries operator or captain shall submit the Advance Notice of Landing no later than
one day before the estimated date for landing. In case that the last day for filing
the application is a national holiday, the application shall be made on the working day
before the national holiday.

Fishing vessels approved by the competent authority to conduct landing may land the catch
on the approved date or within three days after the approved date.

For any landing to be conducted not within the period as referred to in the preceding
paragraph, the distant water fisheries operator or the captain concerned shall apply for
the change of the date for landing and obtain the approval from the competent authority
before conducting the landing.

Article 61-1
For any tuna longline fishing vessel whose catch is landed at a foreign port and
transported to a domestic port by a container vessel, the distant water fisheries operator
of such tuna longline vessel shall, no later than three days before the container vessel’s
port entry, notify the competent authority of the time for port entry and the name of the
port.

Article 62
Upon the completion of landing of any tuna longline fishing vessel, the following person(s)
shall fill in and submit to the competent authority the Landing Declaration, format of which
is as shown in Appendix 17, by the prescribed deadline:
(1)For the landing conducted by a tuna longline fishing vessel, its distant

water
fisheries operator or captain shall submit the Declaration within five working days after
the completion of landing.
(2)For the landing conducted by a tuna longline fishing vessel with the catch subsequently
being transported by commissioning a container vessel, the distant water fisheries operator
of such longline vessel shall submit the Declaration within five working days after the
container(s) containing such catch unloads and completes customs clearance.
(3)For the landing conducted by a carrier vessel, the distant water fisheries operator
of a tuna longline fishing vessel shall submit the Declaration within five working days
after the completion of landing by the carrier vessel.

The term “completion of landing” as referred to in these Regulations means the catch
landed at a port has completed its whole weighing process.

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 person(s) of the competent authority has arrived.
(2)For inspections conducted by the independent third party, the contact with the
independent third party shall be made, and the landing and transshipment shall be started
only after the person(s) of the independent third party has arrived.

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, any foreign country with which the fisheries
cooperation is engaged, or any international fisheries organization 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, any foreign country with which the fisheries cooperation is engaged, or any
international fisheries organization 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)Vessel positions shall be transmitted in accordance with Chapter VI.
(4)Catch reports shall be conducted in accordance with provisions stipulated in Chapter
VII.
(5)Such vessel shall not conduct at-sea transshipment.
(6)For transshipment in port, the Transshipment Notification shall be filled in to
apply for the approval of the competent authority, no later than seven days before
the estimated date for transshipment.
(7)For landing in port, the Advance Notice of Landing shall be filled in to apply for
the approval of the competent authority, no later than seven days before the estimated
date for landing.
(8)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 72-1
For the purpose of these Regulations, the catch amount is the unprocessed round weight.

	The conversion factors between the weights of processed fish and round fish are as shown in Appendix 18. Article 73 These Regulations shall become effective on January 20, 2017. Amendments to these Regulations shall become effective on the date of promulgation.
Attachments：	Articles（20190418）.pdf Appendix（20190418）.pdf

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