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| Title : | Regulations for the Issuance of Building Permit and Fishing License of Fishing Vessel  |
| Date : | 2019.06.06 |
| Legislative : | <p>The full text of 15 articles promulgated by the Council of Agriculture, Executive Yuan on November 17, 1989 under Order No. 78 Nong-Yu-Tsu 8040367A.</p> <p>Amended and promulgated by the Council of Agriculture, Executive Yuan on December 24, 1990 under Order No. 79 Nong-Yu-Tsu 9040585A.</p> <p>The title and articles amended and promulgated by the Council of Agriculture, Executive Yuan on December 24, 1991 under Order No. 80 Nong-Yu-Tsu 004065A.</p> <p>Amended and promulgated by the Council of Agriculture, Executive Yuan on September 30, 1992 under Order No. 81 Nong-Yu-Tsu 1040799A.</p> <p>The original title “The Regulations for Issuance of Fishing License of Fishing Vessel” and full text of 31 articles amended and promulgated by the Council of Agriculture, Executive Yuan on April 28, 1995 under Order No. 84 Nong-Yu-Tsu 4040367A.</p> <p>Article 21-1 and 22 amended and promulgated by the Council of Agriculture, Executive Yuan on January 31, 1997 under Order No. 86 Nong-Yu-Tsu 86040026A.</p> <p>Article 26 amended and promulgated by the Council of Agriculture, Executive Yuan on February 27, 1997 under Order No. 86 Nong-Yu-Tsu 86040096A.</p> <p>Article 4, 11, 14, 15, 18, and 26 amended and promulgated by the Council of Agriculture, Executive Yuan on January 6, 1998 under Order No. 87 Nong-Yu-Tsu 86040853.</p> <p>Article 30 amended and promulgated by the Council of Agriculture, Executive Yuan on November 24, 1999 under Order No. 88 Nong-Yu-Tsu 88670098.</p> <p>Article 11, 12, 14, 15, 18, and 26 amended, and Article 22 and 23 deleted, and promulgated by the Council of Agriculture, Executive Yuan on October 18, 2000 under Order No. (89) Nong-Yu-Tsu 891321449.</p> <p>Article 26 amended and Article 26-1 and 26-2 added and promulgated by the Council of Agriculture, Executive Yuan on September 28, 2001 under Order No. (90) Nong-Yu-Tsu 901321600.</p> <p>Article 12 amended and promulgated by the Council of Agriculture, Executive Yuan on June 28, 2002 under Order No. 88 Nong-Sou-Yu-Tsu 0911320977.</p> <p>Article 18, and 26-2 amended, and Article 28 deleted, and promulgated by the Council of Agriculture, Executive Yuan on June 30, 2003 under Order No. Nong-Sou-Yu-Tsu 0921321090.</p> <p>Article 3, 16, 26 and 26-3 amended and promulgated by the Council of Agriculture, Executive Yuan on June 29, 2005 under Order No.</p> |

Nong-Sou-Yu-Tsu 0941331395.

The full text of 33 articles amended and promulgated by the Council of Agriculture, Executive Yuan on March 21, 2007 under Order No. Nong-Sou-Yu-Tsu 0961320588.

Article 3, 15, 23 and 27 amended, Article 15-1 and 15-2 added, and Article 28 deleted and promulgated by the Council of Agriculture, Executive Yuan on May 22, 2008 under Order No. Nong-Sou-Yu-Tsu 0971321101.

Article 2, 4 and 14 amended and promulgated by the Council of Agriculture, Executive Yuan on December 21, 2009 under Order No. Nong-Yu-Tsu 0981333641.

Article 15-2 amended and promulgated by the Council of Agriculture, Executive Yuan on December 2, 2011 under Order No. Nong-Yu-Tsu 1001331820.

Article 14 amended and promulgated by the Council of Agriculture, Executive Yuan on April 4, 2012 under Order No. Nong-Yu-Tsu 1011321306.

Article 14, and 15-3 amended and promulgated by the Council of Agriculture, Executive Yuan on July 13, 2012 under Order No. Nong-Yu-Tsu 1011322598.

Article 15-2 amended and promulgated by the Council of Agriculture, Executive Yuan on February 27, 2014 under Order No. Nong-Yu-Tsu 1031332760.

Article 27 amended and promulgated by the Council of Agriculture, Executive Yuan on January 13, 2016 under Order No. Nong-Yu-Tsu 1041338511F.

Articles 3, 10, 19, 20, 22, 24, 25-1, and 32 amended and promulgated by the Council of Agriculture, Executive Yuan on January 5, 2017 under Order No. Nong-Yu-Tsu 1051329241A.

Articles 27, 29, and 29-1 amended and promulgated by the Council of Agriculture, Executive Yuan on December 11, 2018 under Order No. Nong-Yu-Tsu 1071329528A.

Part of these regulations amended and promulgated by the Council of Agriculture, Executive Yuan on June 6, 2019 under Order No. Nong-Yu-Tsu 1081327320A.

Content : Article 1
These Regulations are established in accordance with Article 7 and Article 8, paragraph 3 of the Fisheries Act (hereinafter referred to as the Act).

Article 2
The permissions of the building, modification, chartering and importation of fishing vessels and fishery types to be engaged in, and the issuance of fishing licenses shall be conducted pursuant to these Regulations. Notwithstanding this provision, provisions as stipulated in the Regulations for Recreational Fishery and the Rules for the Registry of Fishing Right shall be applied first.

Article 3
The definitions of terms used in these Regulations are as the follows:
(1) "Fishing license" means the fishing license or fishery certificate.
(2) "Fishery type" means the main fishery registered on the fishing license, excluding the part-time fishery.

(3) "Loss of a fishing vessel" means a fishing vessel that has been scrapped, sunk, stranded, damaged or missing.

(4) "Replacement qualification" means any of the following qualifications:

i. The fishery operator whose fishing license is submitted and revoked after the loss of his/her fishing vessel is granted the qualification to build a new fishing vessel of the same tonnage to replace the original one and continue to engage in the same fishery type.

ii. After replacing a tuna purse seine fishing vessel of the same size level registered in a regional fisheries management organization, the fishery operator is authorized and granted by the central competent authority the qualification to build, export and continue to engage in the tuna purse seine fishery.

iii. The fishery operator of Matzu and Kinmen who obtains the qualification to engage in the same fishery type after his/her fishing vessel is authorized by the competent authority before 30 June 2006 to change into a cargo vessel.

(5) "Replacement tonnage" means the tonnage granted to the fishery operator whose fishing vessel has been granted the replacement qualification.

(6) "Fishing vessel tonnage" means the gross tonnage measured by the navigation authority pursuant to the Regulations for Measurement of Ships. In the case that a fishing vessel was measured before the promulgation of the amendment of the Regulations for Measurement of Ships on 16 July 1982 under Order No. Jiao-Hang (71) 1584, the tonnage of such fishing vessel shall be added by 30%.

(7) "Length overall" means the distance measured in a straight line between the foremost point of the bow and the aftermost point of stern.

Article 4

Any fishery operator that meets any of the following requirements may apply for the issuance of fishing license:

(1) The fishery operator has obtained a fishing vessel newly built with the replacement qualification to engage in fisheries;

(2) The fishery operator is authorized to engage in fisheries with a newly-built fish carrier over 2 thousand tons;

(3) The fishery operator engages in fisheries with an imported fishing vessel that is permitted by the central competent authority;

(4) The fishery operator engages in fisheries with an assumed or chartered fishing vessel;

(5) The fishery operator is authorized to change the fishery type to be engaged in with the existing fishing vessel;

(6) The fishery operator whose fishing vessel is authorized to specialize in fisheries training, research and patrolling;

(7) The fishery operator who obtains the replacement qualification pursuant to these Regulations engages in fisheries with the acquisition of a fishing

vessel whose fishing license has been revoked by the central competent authority, instead of building a new fishing vessel.

The fishery operator as referred to in subparagraph (7) of the preceding paragraph shall not be the one upon whom the revocation of fishing licenses

was originally imposed, and the reason for the revocation of the fishing license of the fishing vessel that the fishery operator obtains shall not be any of the following:

(1) The fishing vessel has engaged in firearms, drugs or human trafficking or high seas driftnet fishing.

(2) The fishing vessel has committed any violation during fishing activities,

and has been listed as an illegal, unreported and unregulated (IUU) vessel by any international fisheries organization.

Article 5

Application for the renewal of the existing fishing license for the expiration of its validation shall be made three months before the

expiration.

Notwithstanding such provision, any of the following circumstances shall be exempted:

(1)The prior application for postponement of the renewal of the fishing license has been permitted by the competent authority, and as such, the renewal may be applied before the date approved by the competent authority.

(2)The fishery operator who has been authorized by the competent authority the suspension of the operation may apply for renewal of the fishing license before the resumption of the operation.

Failure to apply for renewal of the fishing license before the expiration shall be subject to punishment by the competent authority pursuant to the Act.

Article 6

Any fishery operator who has assumed a fishing vessel from others shall apply for the fishing license within one month after the navigation authority completes the change of vessel ownership.

Article 7

In case that there is any change to the contents that shall be recorded on the fishing license, application for the recording of such change shall be made within one month after the occurrence of such change, together with enclosure of certifying document(s).

In case of the change of the fishery operator, fishing vessel name or fishery type, application for re-issuing of fishing license shall be made.

Article 8

In case of loss of a fishing vessel, the fishery operator shall apply for revocation of the fishing license with enclosure of certifying documents, documents certifying the cancellation of vessel registration issued by the navigation authority and the original fishing license.

The competent authority shall cancel the fishing license in case of the forfeiture, confiscation or export of the fishing vessel.

Article 9

In case that a fishery operator who does not build a new fishing vessel after being granted with the replacement qualification, such fishery operator may apply, with other existing fishing vessel(s), for the change of fishery type to the same as the replacement qualification granted.

In case that an existing fishing vessel has changed its fishery type with replacement qualification as referred to in the preceding paragraph, its fishery operator may apply for the replacement qualification of the original fishery type of such fishing vessel.

Article 10

In case of any of the following circumstances, the fishery operator may directly apply for the change of fishery type:

(1)Any fishing vessel of coral fishery, shellfish fishery, fishery using submarine device(s) changes to engage in the fishery type except for the trawl fishery and gillnet fishery.

(2)Any fishing vessel other than pole and line boote or troll line changes to engage in pole and line boote fishery or troll line fishery.

In case that a fishery operator applies to build a new vessel with replacement qualification, he/she may change the fishery type in accordance with the preceding paragraph.

Article 11

Where the change of fishery type has been approved, application for the

change of fishery type shall not be made again within two years.

The change of fishery type of any imported fishing vessel shall not be applied. Notwithstanding this provision, for the fishing vessel imported pursuant to subparagraph (3) of Article 27, paragraph 1, provisions of the preceding two articles may be applied.

Article 12

Provisions for the interchange or part-time operation of fishing vessels of directed fisheries, recreational fishery and fishing right fishery are as the followings:

(1) Except for part-time fishing right fishery, any fishing vessel of directed fishery may apply for change of or part-time operation of other fishery types. Notwithstanding this provision, mackerel purse seine fishing

vessels and fish carriers shall not apply for engaging in other fishery types.

(2) Fishing vessels of full-time recreational fishery shall not apply for change of or part-time operation of other fishery types. Notwithstanding this

provision, for a fishing vessel whose age is 3 years and above and which has

be authorized by the competent authority for modification, the application for engaging in directed fisheries may be made.

(3) Fishing vessels of fishing right fishery may apply for the change of fishery types, but shall not part-time operate other fishery types.

In case that fishing vessels of full-time recreational fishery apply for the change to directed fisheries, the change of fishery types shall be limited to pole and line boote fishery, troll line fishery, longline fishery, spear fishery and other fishery types approved and promulgated by the central competent authority.

In case that fishing vessels of fishing right fishery apply for change to directed fisheries, coral fishery, shellfish fishery, fishery using submarine device, or other fisheries types prohibited and promulgated by the central competent authority shall not be engaged in.

Article 13

Fishing vessels of directed fisheries, full-time recreational fishery and fishing right fishery may be replaced among one another.

In case that any fishing vessel of full-time recreational fishery or of fishing right fishery is replaced to be engaged in directed fishery, coral fishery, shellfish fishery, fishery using submarine device, trawl fishery, or any other fishery types prohibited and promulgated by the central competent authority shall not be engaged in.

Article 14

In case that any fishery operator applies for building a new fishing vessel

with the replacement qualification of more than one fishing vessel of the same fishery type, and the replacement tonnage is less than the tonnage of the newly-built fishing vessel, the shortfall shall be complemented, except

that, the shortfall is less than one tonnage after the measurement upon the completion of building.

Where the replacement tonnage is more than the tonnage of the newly-built fishing vessel by one tonnage or above, the surplus replacement tonnage shall be reserved for one year starting from the date of approval of reservation. The fishery type of the reserved surplus replacement tonnage shall be the same as that of the newly-built fishing vessel, and the reserved surplus replacement tonnage shall be used only to complement the

shortfall of the replacement tonnage of other fishing vessel(s), but not to build a new fishing vessel.

Where the replacement tonnage to be complemented in accordance with paragraph 1 is complemented by the surplus replacement tonnage of other fishery types reserved pursuant to the preceding paragraph or by the tonnage from other fishery types except for mackerel purse seine fishing vessels and fish carrier vessels, the replacement tonnage complemented shall not exceed 5% of the tonnage of the newly-built fishing vessel.

Where a fishery operator applies with the replacement qualification for the change of the fishery type of the existing fishing vessel in accordance with Article 9, paragraph 1, and the replacement tonnage is less or more than the tonnage of the existing fishing vessel, the provisions stipulated in paragraph 1 to the preceding paragraph shall, mutatis mutandis, apply.

In case that a fishery operator builds a fish carrier vessel or a mackerel purse seine fishing vessel, the tonnage of the vessel shall not be less than that of the existing fishing vessel. The replacement tonnage of these vessels shall not be used by fishing vessel(s) of other fishery types for the replacement or complement, and the surplus replacement tonnage shall not be reserved.

Where a fishery operator applies for import of a fishing vessel of new fishing method, the provisions stipulated in paragraph 1 to 3, Article 15 and Article 16 shall apply mutatis mutandis to the replacement qualification and replacement tonnage. Notwithstanding such provision, in case that fishing vessel of the same fishery type or full-time recreational fishing vessel is not available domestically, the required replacement tonnage for the fishing vessel to be imported shall be of other fishery types except for those of mackerel purse seine fishing vessels and fish carrier vessels.

For any longline or tuna purse seine fishing vessel over 20 gross tonnage with the age of more than 25 years, the replacement tonnage shall be 74% of the original fishing vessel tonnage.

In case that a fishery operator obtains a fishing vessel in accordance with Article 4, subparagraph (7), the provisions stipulated in paragraph 1 to 3, Article 15 and 16 for complementing replacement tonnage shall be mutatis mutandis applied.

Article 15

Where a fishery operator builds a fishing vessel or applies for changing of fishery type with replacement qualification pursuant to Article 9, paragraph

1, the following provisions shall apply:

(1) For fishing vessel whose length overall is 24 meters and above, the fishery operator shall obtain the replacement tonnage from at least one fishing vessel with the length overall of 24 meters and above and the gross tonnage of 100 tons and above of the same fishery type. In case of building a new fishing vessel, the gross tonnage of newly-built vessel shall not be less than 100 tons.

(2) For fishing vessel whose length overall is 15 meters and above but less than 24 meters, the fishery operator shall obtain the replacement tonnage from at least one fishing vessel with the length overall of 15 meters and above

but less than 24 meters and the gross tonnage of 20 tons and above of the same fishery type, or from fishing vessel with length overall of 24 meters and above and the gross tonnage less than 100 tons of the same fishery type.

In case of building a new fishing vessel, the gross tonnage of newly-built vessel shall be no less than 20 tons and no more than 100 tons.

(3) For fishing vessel whose length overall is less than 15 meters, the fishery operator shall obtain the replacement tonnage from at least one fishing vessel with the length overall less than 15 meters of the same fishery type, or from fishing vessel with the length overall of 15 meters and above and the gross tonnage less than 20 tons of the same fishery type.

In case of building a new fishing vessel, the gross tonnage of newly-built vessel shall be no more than 20 tons.

In case that any fishery operator obtains the replacement qualification from one fishing vessel of the same level of length overall and gross tonnage to build a fishing vessel or change the fishery type pursuant to the preceding paragraph, and 95% of the replacement tonnage of the same fishery type is not reached, the replacement tonnage shall be complemented by the replacement qualification or surplus replacement tonnage of the same level of length overall and gross tonnage of the same fishery type pursuant to the provisions of each subparagraph in the preceding paragraph.

Any Fishing vessel with gross tonnage less than 5 tons may be used only for the replacement of fishing vessel less than 5 tons, and shall not be used for the replacement or complementary tonnage of fishing vessel of 5 tons and above.

Article 15-1

Where a fishery operator obtains the replacement qualification of a fishing vessel whose length overall is 15 meters and above and whose gross tonnage is less than 20 tons, and applies for building before 22 March 2008, he/she may build the fishing vessel of the same fishery type with the length overall of 15 meters and above and the gross tonnage less than 20 tons. The length overall of the newly-built fishing vessel shall be no more than 20 meters.

Article 15-2

For any fishery operator that builds a tuna purse seine vessel for operation

in the western and central Pacific Ocean, sizes of fishing vessels are classified as the following levels:

(1) Level 1: length overall of 80 meters and above, with the gross tonnage of 2,000 tons and above.

(2) Level 2: length overall of 50 meters and above but less than 80 meters, with the gross tonnage of 700 tons and above but less than 2,000 tons.

(3) Level 3: length overall less than 50 meters, with the gross tonnage of 200 tons and above but less than 700 tons.

(4) Level 4: length overall less than 50 meters, with the gross tonnage less than 200 tons.

Any fishery operator that builds any fishing vessel classified in the

preceding paragraph shall obtain replacement qualification of a tuna purse seine vessel of the same level. In case that the replacement tonnage is less than the tonnage of the newly-built fishing vessel, the provisions for complementing and reserving the surplus replacement tonnage provided in paragraph 1 to 3 and paragraph 8 of Article 14 and paragraph 2 of Article 15 shall not apply.

Any tuna purse seine vessel of any size level shall be replaced for building into one single vessel, and shall not be divided for replacement and building of several fishing vessels. Tuna purse seine vessels of a smaller size level shall not be combined together for the replacement and building of a tuna purse seine vessel of a larger size level.

The replacement tonnage of any tuna purse seine vessel built pursuant to paragraph 1 shall be the same as that of the fishing vessel to be replaced, and the overall fish hold capacity after the completion of building shall not exceed that of the fishing vessel to be replaced.

Article 15-3

Any fishery operator intending to build a new squid jigging vessel shall obtain the replacement qualification of a squid jigging vessel, and provisions in relation to complementing and reserving the surplus replacement tonnage as stipulated in Article 14, paragraph 1 to 3 and paragraph 8, as well as Article 15, paragraph 2, shall not apply. The gross tonnage of a newly built squid jigging vessel shall not exceed 1,500 tons.

Article 15-4

The following fishing vessels whose building are completed after June 10, 2019 shall meet the requirements on accommodation as provided in Annex III of C188-Work in Fishing Convention:

- (1) Any fishing vessel whose length overall is 24 meters or above.
- (2) Any fishing vessel whose length overall is less than 24 meters and engages in distant water fisheries.

For a newly-built fishing vessel that meets the requirements on accommodation as provided in Annex III of C188-Work in Fishing Convention, in case that the replacement tonnage to be complemented pursuant to Article 14, paragraph 1 exceeds 10% or less of the replacement tonnage obtained, the shortfall within 10% is not to be complemented but shall not be included into the replacement tonnage.

For any fishery operator that obtains the replacement qualification of a fishing vessel whose gross tonnage is 20 or above and less than 100 and intends to build a new fishing vessel that meets the requirements on accommodation as provided in Annex III of C188-Work in Fishing Convention, in case that the gross tonnage of

the newly-built fishing vessel is more than 100 and that the tonnage exceeded is less than 10% of the replacement tonnage obtained, such operator is not to obtain the replacement qualification of a fishing vessel whose length overall is 24 meters or above and gross tonnage is 100 or above pursuant to subparagraph (1) of Article 15, paragraph 1. The size and level of the replacement qualification for such a newly-built fishing vessel shall remain the same as those of the replacement qualification it obtained in the first place.

The certificate(s) proving fishing vessels specified in the preceding three paragraphs meet the requirements on accommodation as provided in Annex III of C188-Work in Fishing Convention shall be promulgated by the central competent authority.

Article 16
Starting from 1 July 2007, longline fishing vessels operating in the convention areas of relevant regional fisheries management organizations in the Pacific Ocean, Atlantic Ocean and Indian Ocean shall not be replaced by any fishing vessel on the vessel list of other regional fisheries management organization.

Article 17
Where the approved modification of a fishing vessel results in the increase of the gross tonnage, the provisions stipulated in Article 14 and 15 shall, *mutatis mutandis*, apply to the replacement tonnage to be complemented, except for any of the following scenarios in which the tonnage exceeded is not to be complemented:
(1) Structures to decrease sailing resistance and increase the buoyancy and stability of hull are installed, so as to enhance the safety.
(2) Spaces and numbers of accommodation are increased.
(3) Modifications other than the preceding two paragraphs, where the length overall, beam, and depth of the vessel are not changed after modification, and, after measurement, the tonnage increased is not more than half of the gross tonnage before the modification.

The tonnage not to be complemented shall not be included into the replacement tonnage.

Any fishing vessel that exceeds the size and level originally approved after modification shall obtain the replacement qualification of equivalent size and level, and may reserve its original replacement qualification. For a fishing vessel whose gross tonnage is 20 or above and less than 100, and which becomes a fishing vessel more than 100 gross tonnage after modification due to the scenario stipulated in subparagraph (1) or (2) of paragraph 1, it shall not be subject to such provision, and the size and level of its replacement

qualification shall remain the same as those of the replacement qualification it obtained originally.

Article 18

Application for the replacement qualification shall be accompanied by the following documents:

- (1)The original fishing license.
- (2)The document certifying the cancellation of the Certificate of Registry for the fishing vessel to be replaced.
- (3)The document certifying the loss of the fishing vessel, or documents certifying the exportation of the tuna purse seine fishing vessel approved on a case-by-case basis.
- (4)The document certifying cancellation of fuel allocation handbook.
- (5)For fishing vessels in Matzu and Kinmen authorized to be changed into cargo vessels pursuant to subparagraph (4) of Article 3, relevant certificates issued by the navigation authority are required.
- (6)Any other documents or information as specified.

Any fishery operator whose fishing license has been cancelled pursuant to Article

8, paragraph 1, is not required to submit the documents as referred to in subparagraph (1) to (3) of the preceding paragraph when applying for the replacement qualification.

Article 19

The replacement qualification is valid for 3 years from the date of the loss of the fishing vessel.

The replacement qualification permitted in accordance with Article 9, paragraph 2 shall be valid for 3 years from the date of the approval.

Article 20

In case of any of the following circumstances, no application for the replacement qualification shall be allowed:

- (1)The fishing vessel has not been lost.
- (2)Any circumstances as referred to in Article 7-1 of the Act, where application of fishing license has been refused.
- (3)At the time of the application for scrapping of the fishing vessel, the validity of the fishing license or the duration of approved suspension of fishery operation has been expired.
- (4)Any imported fishing vessel of new fishing method which has not obtained the replacement qualification after the promulgation of vessel building restriction by the central competent authority on 17 November 1989.
- (5)Where a fishing vessel has been stranded and its owner has not addressed properly, causing risks in navigation, or pollution of marine environment.
- (6)Where the fishing vessel is forfeited or confiscated by a foreign government.
- (7)Where the fishing vessel has encountered accident abroad and its owner has unpaid expenses that are paid in advance by relevant government authorities.

Article 21

In the event that an existing fishing vessel is scheduled to be scrapped, the

application for building of a new fishing vessel may be made first. Notwithstanding such provision, the existing fishing vessel shall be scrapped completely and its original fishing license shall be cancelled before the application for issuing the fishing license of the new vessel.

Article 22

Main fisheries such as trawl fishery, longline fishery, squid jigging fishery, tuna purse seine fishery, mackerel purse seine fishery and gillnet fishery shall not be registered as part-time fishery.

Where the trawl fishery, longline fishery, squid jigging fishery, tuna purse seine fishery, mackerel purse seine fishery and gillnet fishery has been approved as part-time fishery, at the time of application for issuing or renewal of the fishing license, the competent authority shall cancel such part-time fishery.

Where the gillnet fishery had been approved as part-time fishery before these regulations were amended and became effective on 5 January 2017, or the bottom gillnet fishery, drift net fishery or drift gillnet fishery which has been approved as part-time fishery is changed into the gillnet fishery in accordance with Article 25-1, the original fishery operator may engage in such part-time fishery until the loss of the fishing vessel or the change of fishery operator. The change of fishery operator resulted from succession or the transfer between spouse or direct relative(s) is not subject to this provision.

Article 23

No new fishing license shall be issued to a fishing vessel of coral fishery, shellfish fishery, and fishery using submarine device, except for the renewal of fishing license upon expiry.

Fishing vessels identified by the central competent authority as equipped with coral harvesting device before 31 December 2007 may operate part-time coral fishery in accordance with the regulations stipulated by the central competent authority starting from these regulations being amended and effective on 22 May 2008.

In case that the fishery operator applies for the replacement qualification for the fishery types stipulated in paragraph 1, the fishery operator shall change such fishery type to other fishery type.

Article 24

No restriction shall be made on the fishery type of fishing vessels less than 5 gross tonnage, except for the operation of the fishery such as coral fishery, shellfish fishery, fishery using submarine device, trawl fishery, and gillnet

fishery which shall be operated in accordance with the relevant provisions of these regulations.

Article 25

Registration of the main fishery on the fishing license shall be limited to one type only and registration of part-time fishery shall be limited to three types.

Article 25-1

The fishing license shall not be registered as bottom gillnet fishery, drift net fishery or drift gillnet fishery. Where such fishery has been registered, the competent authority shall change the registration as gillnet fishery at the time of application for issuing or renewal of the fishing license.

Article 26

Fishing vessel approved to be built shall complete the building and apply for fishing license within two years after the approval. In case that the completion of the building is past the timeframe, the approval shall be deemed as invalid. Application for one-year extension of the building approval may be made before the expiry of the two-year validity of the original approval, provided that the construction of vessel hull has been completed and the main equipment such as the main and auxiliary engines have been purchased.

Article 27

No fishing vessel shall be imported from foreign countries, except for any of the following circumstances:

(1) A fishing vessel of new fishing method as reviewed and approved by the central competent authority, with the age of the vessel less than 10 years starting from the date of launch to the date of application.

(2) A newly-built fishing vessel of full-time recreational fishery.

(3) A fishing vessel approved by the central competent authority to engage in foreign fishery cooperation and thus registered in that country has terminated its fishery cooperation; or a fishing vessel exported and registered in a foreign country on a case-by-case basis resumes its registration in the Republic of China.

(4) A tuna purse seine fishing vessel approved by the central competent authority to be exported to the small island developing States in the western and central Pacific Ocean resumes its registration in the Republic of China.

(5) A fishing vessel which complies with the provisions of Article 29 or Article 29-1.

For the application for the import of the fishing vessel referred to in subparagraph (1) of the preceding paragraph, the applicant shall first obtain the replacement qualification.

For the application for the import of the fishing vessel referred to in subparagraph (2) of paragraph 1, the applicant shall first obtain the

replacement
qualification and the approval from the municipal or county (city)
competent
authority where such vessel intends to register, and submit to the central
competent authority for final approval.

Article 28
[Deleted]

Article 29
From 1 January 2003 to 21 March 2007 when these amended regulations are
effective,
for any foreign flag squid jigging fishing vessel over 100 gross tonnage
built within
the Republic of China and exported and operated by the national of the
Republic of
the China, the application for import may be made after obtaining enough
replacement
tonnage pursuant to Article 14.

The review procedures for relevant documents for squid jigging fishing
vessels
imported pursuant to the preceding paragraph are subject to promulgation of
the
central competent authority.

Article 29-1
For a foreign flag tuna purse seine fishing vessel which has been
authorized by the
competent authority in accordance with the Act to Govern Investment in the
Operation
of Foreign Flag Fishing Vessels to be invested in or operated, in case that
its
construction is completed within the Republic of China and its age is less
than ten
years from the launch date to the date of applying for importation, it may
be imported
after obtaining the replacement qualification of a tuna purse seine fishing
vessel of
the same level pursuant to Article 15-2.

Article 30
In case that the fishing license is lost or defaced, the fishery operator
shall apply
to the original issuing authority for the reissuance or renewal with
relevant certifying
documents.

Article 31
For the issuance, renewal or reissuance of the fishing license, the license
fee as
shown in the attached table shall be paid pursuant to Article 7 of the Act.

Article 32
Rules for the fishery type, replacement and modification of sampans and
fishing rafts
may be established by the central or municipal competent authority. The
coral fishery,
shellfish fishery, fishery using submarine devices and trawl fishery shall
not be
operated by sampans and fishing rafts.

In addition to complying with Article 9, any sampan shall not apply for the
change of
its main fishery into gillnet fishery, and Article 22 shall apply mutatis
mutandis.

Article 33

These regulations shall enter into force from the date of promulgation.

Attachments : Articles (108.6.6) .odt

Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System