

Content

Title : Regulations for Fishing Vessels Conducting Saury Fishery in North Pacific Ocean **Ch**

Date : 2020.04.10

Legislative : 1.The full text of 48 articles promulgated on 20 January 2017 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1061332417A.

2.Part of these Regulations, Appendix 2 of Article 5, and Appendix 6 of Article 35 amended and promulgated on 30 January 2018 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1061339850.

3.Part of these Regulations, Appendix 2 of Article 5, and Appendix 4 of Article 29 amended and promulgated on 22 May 2019 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1081334251.

4.Part of these Regulations amended and promulgated on 10 April 2020 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1091333069.

Content : Chapter I General Principles

Article 1

These Regulations are established pursuant to Article 6, paragraph 2; Article 10, paragraph 2; Article 11, paragraph 3; and Article 24, paragraph 2 of the Act for Distant Water Fisheries (hereinafter referred to as “the Act”).

Article 2

Terms used in these Regulations are defined as follows:

(1) “North Pacific Ocean” means the waters of the north Pacific Ocean north of a line extending east along the 20°N from the 140°E to the intersection with the 110°W, and the waters of a line extending east along the 10°N from the 180° meridian to the intersection with the 140°W (as shown in Appendix 1).

(2) “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).

(3) “Carrier vessel” means the following vessels that conduct the transshipment of catches from saury 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.

(4) “Processing vessel” means any vessel that transfers saury catches from saury fishing vessel(s) to itself for processing onboard.

(5) “Auxiliary carrier vessel” means any vessel that transships

saury catches from saury fishing vessel(s) to itself and transports to a processing vessel to which it belongs to.

Article 3

Any fishing vessels proceeding to the north Pacific Ocean to catch saury (hereinafter referred to as “saury fishing vessel”) shall be limited to a fishing vessel with the squid jigging registered as the main fishery on its fishing license that part-time engages in saury stick-held net fishery .

Article 4

For any saury 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.

Chapter II Application and Issuance of the Distant Water Fisheries Permit

Article 5

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 north Pacific Ocean in the following year shall fill in the application form (format as shown in Appendix 2) 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 following color photographs of the fishing vessel no older than five years and the electronic files. The photos shall clearly show the Chinese/English name of the vessel and its international radio call sign (IRCS), and the size shall not be smaller than 12 cm by 7 cm:

i.One photo that shows the complete length and structural characteristics of the starboard side of the vessel;

ii.One photo that shows the complete length and structural characteristics of the portside of the vessel; and

iii.One photo of the stern of the vessel taken directly from behind the vessel.

(3)The document certified by the commissioned professional institution that the automatic location communicator (ALC) on board the fishing vessel can regularly and normally transmit vessel positions.

(4)The document certified by the commissioned professional institution that the electronic logbook (E-logbook) system on board the fishing vessel can normally transmit catch data.

Article 6

Any distant water fisheries operator intending to apply for the distant water fisheries permit for the following year shall enclose the required documents as stipulated in Article 5 and shall register to the Taiwan Squid Fishery Association (hereinafter referred to as “the Squid Association”) by November 30 of the current year. The Squid Association shall compile and submit applications to the competent authority by December 15 of the current year.

Article 7

In case of any of the following conditions, the distant water fisheries operator may submit the documents prescribed in Article 5 and apply for the distant water fisheries permit to the competent authority, notwithstanding the application procedures and deadline prescribed in Article 6:

(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 8

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, gross tonnage (GT), length overall (LOA) and fisheries type of the fishing vessel;
- (3)Name of the distant water fisheries operator;
- (4)The authorized fishing Ocean and fishing period;
- (5)The 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 9

For any fishing vessel permitted to conduct saury fishery whose information recorded on the application is changed or whose external characteristic(s) differs from the photo(s) of the vessel submitted, the distant water fisheries operator shall provide, within three working days after such change, the Squid Association with the new vessel information or new photos. The Squid Association shall submit such information/photos to the competent authority within three working days following the receipt.

Chapter III Fishing Vessel Markings

Article 10

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 11

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 3.

Article 12

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.

Chapter III-1 Catch Limits or Quotas

Article 12-1

For the purpose of these Regulations, the species with catch limit (hereinafter referred to as "species with catch limit") as referred to in subparagraph (7) of Article 13, paragraph 1 of the Act means saury.

Article 12-2

The annual total catch quota of the Republic of China in the north Pacific Ocean and the individual vessel quota of a saury fishing vessel shall be promulgated by the competent authority in accordance with applicable conservation and management measures.

In the event that the total catch amount of the species with catch limit has reached 95% of the annual total catch quota as referred to in the preceding paragraph, the competent authority may order the whole saury fishing 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 May 1 to December 31 of the current year.

The total remaining quota of the Republic of China in the north Pacific Ocean may be arranged by the competent authority.

Article 12-3

The maximum for allowed annual individual vessel quota of a saury fishing vessel shall be 4,000 metric tons.

The allowed individual vessel quota as referred to in the preceding paragraph means the sum of the individual vessel quota granted by the competent authority pursuant to these Regulations, the quota received from other vessel(s), the additional quota applied for, and the premium quota; and the quota transferred, deducted, and retrieved have been deducted.

Article 12-4

The distant water fisheries permit of the current year shall be obtained for granting the quota of the current year to the saury fishing vessel.

For any saury fishing vessel that has not obtained the distant water fisheries permit of the entire period for using the quota as referred to in Article 12-2, paragraph 3, the quota shall be granted in accordance with the percentage that the number of month(s) approved accounts for the whole period. Notwithstanding such provision, in the event that the ownership of any saury 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 period, the unused quota of such a 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 saury fishing vessel concerned in the current year:

- (1) Loss of a saury 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 12-5

The catch amount of the species with catch limit for any saury fishing vessel shall not exceed the allowed individual vessel quota for the current year. In case of excess, the allowed annual quota of such a fishing vessel for the following year shall be deducted accordingly.

In the event that the catch amount of the species with catch limit of any saury fishing vessel has reached 90% of the allowed individual vessel quota, the competent authority may order such a vessel to stop catching the concerned species by a deadline.

Article 12-6

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 saury fishing vessel actual fishes accounts for the whole period as referred to in Article 12-2, paragraph 3; shall retrieve the quota on a pro-rata basis from the saury fishing vessel which has been granted the quota; or shall deduct the allowed annual quota for the following year in the event that the quota of the current year is unable to be retrieved from the vessel:

- (1) The fishing license of the saury fishing vessel is suspended by the competent authority for one month or above.
- (2) The saury fishing vessel is detained in the port by foreign government.

For any saury fishing vessel that has obtained the distant water fisheries permit of the current year but does not leave a port for fishing operation by 30 September of the current year, the competent authority shall retrieve 50% of its allowed individual vessel quota.

Article 12-7

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

(1) The allowed individual vessel quota of the receiving fishing vessel shall not exceed the limit as stipulated in Article 12-3, paragraph 1 after the transfer.

(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.

Article 12-8

Depending on the quota utilization in the current year, the competent authority may announce the additional quota that can be applied for.

Any saury fishing vessel that meets the following requirements may apply for the additional quota as referred to in the preceding paragraph:

(1) Its allowed individual vessel quota shall be 80% of the quota for individual saury fishing vessel as promulgated pursuant to Article 12-2, paragraph 1.

(2) Its saury catch amount has reached 80% of and not exceeded its allowed individual vessel quota.

In case of any of the following circumstances, the competent authority shall not grant the quota as referred to in paragraph 1:

(1) The catch amount of species with catch limit in the preceding year exceeds 10% or above of the allowed individual vessel quota of that year.

(2) After granting the additional quota, the allowed individual vessel quota exceeds the limit as stipulated in Article 12-3, paragraph 1.

The additional quota acquired in accordance with paragraph 1 shall not be transferred.

Article 12-9

The competent authority may grant premium quota to a saury fishing 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 IV Management of Vessel Position Reporting

Article 13

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.

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 14

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 the preceding provision before the period is expired.

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

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

Article 15

Any fishing vessel 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 16

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

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

In the event that the ALC on board is signal-lost or mal-functional, the distant water fisheries operator or the captain shall immediately send information related to vessel positions by facsimile to the commissioned professional institution. The vessel positions shall be recorded by automatic recording satellite navigator for perusal in later days.

The transmit of vessel positions as referred to in the preceding paragraph shall be hourly for any fishing vessel.

In the event that the ALC on board is mal-functional, the competent authority shall be notified of using the spare set. 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 17

In the event that the ALC onboard is deemed as signal-lost for an accumulative period of five 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 such 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 17-1

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 13 to 17 shall apply to such vessel.

Chapter V Logbooks and Catch Reports

Article 18

In the event that any saury 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 by fishery types. 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.

Article 19

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 three 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 the 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 the E-logbook system as referred to in the preceding paragraph shall be borne by the distant water

fisheries operator.

Article 20

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

Article 21

Except for saury caught by saury fishing vessels which shall be retained in full and shall not be discarded, any fish species of no economic value or no utilizing value shall be released immediately, and the number(s) discarded shall be duly recorded in the logbooks or the E-logbook system.

Article 22

In case of bycatch of sharks by any saury fishing vessel, fins shall not be fully cut off and shall be naturally attached to carcasses for the disposal of shark fins, and the number(s) of sharks shall be duly recorded in the logbooks or the E-logbook system.

Article 23

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

Article 24

The discrepancy between the catch amount recorded in the E-logbook during one fishing trip of any saury fishing vessel and the actual landing amount shall not exceed 10% of the actual landing amount.

In the event that the discrepancy between the catch amount recorded in the E-logbook and the actual landing amount exceeds 20% of the actual landing amount, it shall be defined as “seriously misreporting” as referred to in subparagraph (12) of Article 13, paragraph 1 of the Act.

For transshipping saury catches from a saury fishing vessel to a processing vessel or an auxiliary vessel, the transshipment amount recorded in the Transshipment Declaration shall be deemed as the actual landing amount.

Chapter VI The Designation and Management of Ports for Transshipment or Landing

Article 25

Any saury fishing vessel intending to conduct transshipment or landing at foreign ports shall be limited to Busan, Korea.

Any saury fishing vessel intending to conduct landing at domestic ports shall be limited to Chienchen Fishing Harbor and Siaogang Fishing Harbor in Kaohsiung City.

Any fishing vessel intending to conduct landing in mainland China shall be limited to the designated ports stipulated in the Regulations on Permission and the Management of Fishing Vessels Sailing to Mainland China.

Article 26

Any carrier vessel intending to tranship catches from any saury fishing vessel 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 list of authorized vessels of the North Pacific Fisheries Commission, and installed with the ALC which meets the standards specified by the competent authority, and reports its position hourly to the commissioned professional institution.

Any processing vessel and auxiliary vessel that receives catches of saury fishing vessel(s) shall be listed on the list of authorized vessels of the North Pacific Fisheries Commission.

Article 27

Any carrier vessel of the Republic of China shall not transship with, refuel or supply any fishing vessel not listed on the authorized vessels list of the North Pacific Fisheries Commission, or any fishing vessel that has altered its name or registration number.

Article 28

In case of any of the following circumstances, the competent authority shall list the foreign carrier vessel concerned which transships catches from saury fishing vessel(s) on the non-cooperative carriers list:

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

In case that any foreign processing vessel or auxiliary carrier vessel that transships catches of saury fishing vessel(s) violates any provision regarding transshipment or landing, the competent authority shall list such vessel on the non-cooperative processing vessels or auxiliary carrier vessels list:

Article 29

For any carrier vessel intending to tranship at sea, the distant water fisheries operator shall submit the transshipment plan and relevant information (as shown in Appendix 4) and apply to the competent authority five days before the transshipment at sea 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 4, apply to the competent authority for approval before conducting the transshipment in port with any saury fishing vessel for the first time in the current year.

In case of any addition to the list of saury 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 saury fishing vessel(s) may only be conducted after the approval has been granted. Any application submitted after the prescribed deadline shall be denied.

Article 30

In case of any of the following circumstances, the application of transshipment plan made in accordance with Article 29 shall be denied:

- (1)The carrier vessel concerned does not meet the requirements stipulated in Article 26;
- (2)Three years have not passed since the carrier vessel concerned was listed on the non-cooperative carriers list; or
- (3)The fine for violating the Act imposed on the carrier vessel

concerned has not been paid completely.

Article 31

Any saury fishing vessel and carrier vessel that intends to conduct transshipment shall respectively apply for the approval from the competent authority before the transshipment.

The approval from the competent authority shall be obtained for any saury fishing vessel that intends to tranship its catch to any processing vessel or auxiliary carrier vessel.

Any distant water fisheries operator or captain applying for the approval as referred to in the preceding two paragraphs shall fill in the Transshipment Notification (format as shown in Appendix 5) and submit it to the competent authority 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 tranship the catch on the approved date, within three days before the approved date, or within five days after the approved date. Notwithstanding such provision, the actual transshipment date shall not be within two days after the application date.

For any transshipment to be conducted not within the approved 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 transshipment and obtain the approval from the competent authority before conducting the transshipment.

Article 32

For any saury fishing vessel, carrier vessel, processing vessel, or auxiliary carrier vessel that is under any of the following circumstances during the current fishing trip, the competent authority shall not authorize such vessel to tranship 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) The discrepancy between the amount to be transshipped and the catch amount reported through the E-logbook system exceeds 10% of the latter.

In case that, for the catches to be transshipped, it is suspected that the saury fishing vessel or carrier vessel concerned has operated within the water under the jurisdiction of any other country without valid authorization, the competent authority may not authorize such vessel to tranship at sea.

Article 33

In the event that the catch of any saury 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 31 shall apply.

Article 34

The saury fishing vessel or carrier vessel which obtains the approval to tranship pursuant to Article 31 shall not conduct the transshipment in the event that the ALC on board is signal-lost and has not been repaired.

Article 35

For any carrier vessel that receives catches, it shall separate catches from each individual saury fishing vessel and fill in the

transshipment declaration (format as shown in Appendix 6).

The distant water fisheries operator or the captain of any saury fishing vessel and carrier vessel shall, within three working days after the completion of transshipment, respectively submit the transshipment declaration to the competent authority. In the event that both the saury fishing vessel and the carrier vessel are of the Republic of China, submission of the transshipment declaration by the distant water fisheries operator or the captain of the carrier vessel may be waived.

Article 36

For any saury fishing vessel landing its catch in a domestic or foreign port, the following person(s) shall fill in the Advance Notice of Landing (format as shown in Appendix 7), 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 saury 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 saury fishing vessel with the catch subsequently being transported by commissioning a container vessel, the distant water fisheries operator or the captain of such saury fishing 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 saury fishing vessel shall submit it no later than three days before the estimated date for landing.

(4)For the landing conducted by a carrier vessel with the catch subsequently being transported by commissioning a container vessel, the distant water fisheries operator of a saury fishing vessel shall submit it no later than three days before the estimated date for landing.

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 of the saury fishing vessel concerned shall apply for the change of the date of landing and obtain the approval from the competent authority before conducting the landing.

For a saury fishing vessel which has been approved by the competent authority to land at a domestic port, its distant water fisheries operator or captain may change to land at other domestic port before the landing, and shall only conduct landing after the competent approves such change.

For any saury 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 saury fishing 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.

Fishing vessels may only apply for navigating from the fishing area to the port(s) of Mainland China for landing in accordance with paragraph 1 after the completion of fishing operations in the current year, and shall not load any object from the Mainland China.

Article 37

Upon the completion of landing of any saury fishing vessel, the following person(s)

shall fill in and submit to the competent authority the Landing Declaration (format

as shown in Appendix 7), by the prescribed deadline:

(1)For the landing conducted by a saury 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 saury fishing vessel with the catch subsequently being transported by commissioning a container vessel, the distant water fisheries operator of such saury fishing 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 saury fishing vessel shall submit the Declaration within five working days after the completion of landing by the carrier vessel.

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

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

Article 38

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

The distant water fisheries operator or captain of any saury 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 39

The distant water fisheries operator of any saury fishing vessel shall, within 60 days after the completion of sale or landing, submit sales or inventory information to the competent authority. The sales information shall at least include buyer(s), fish species and quantities.

Chapter VII Observation or Inspection during Fishing Operations

Article 40

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 41

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 provisions 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 42

In the event of boarding and inspection conducted by the inspector(s) dispatched by the competent authority, any foreign country with which the fisheries cooperation is engaged, or any international fisheries organization, 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 VIII Special Management Measures for High Risk Fishing Vessels

Article 43

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 44

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 V.

(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 45

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 IX Supplemental Provisions

Article 46

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 47

Cartons for packing saury shall be marked with the date of harvesting the catch in an appropriate manner.

Article 48

These Regulations shall become effective on January 20, 2017.

Amendments to these Regulations shall become effective on the date of promulgation.

Attachments : Articles.pdf
Appendix.pdf

Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System