Print Time: 114.11.25 23:30

Content

Title: Regulations for Tuna Longline or Purse Seine Fishing Vessels Proceeding to the Pacific Ocean for Fishing Operation Ch

Date: 2020.08.31

Legislative: The full text of 99 articles promulgated on 20 January 2017 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1061332074.

> Part of these Regulations, Appendix 1 of Article 2, and Appendix 13 of Article 28 amended and promulgated on 30 January 2018 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1061338400.

Part of these Regulations, Appendix 18 of Article 60, Appendix 23 to 25 of Article 74, and Appendix 30 of Article 98-1 amended and promulgated on 21 March 2019 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1081333240.

Article 10 amended and promulgated on 14 October 2019 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1081336988.

Article 7, 10, 12, 18, 58, 76 and 77 as well as Appendix 7 of Article 8 and Appendix 16 of Article 46 amended and promulgated on 31 August 2020 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1091335345.

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) "Tuna longline fishing vessel" means any fishing vessel targeting highly migratory fish species such as tunas, billfishes, sharks, skipjacks or mahi mahi with longline fishing gears.
- (2) "Tuna purse seine fishing vessel" means any fishing vessel targeting tunas and skipjacks with purse seine fishing gears.
- (3) "Catching vessel" means tuna longline fishing vessel and tuna purse seine fishing vessel collectively.
- (4) The Area of "The Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereinafter referred to as 'WCPFC Convention Area')" means the waters of the Pacific Ocean bounded to the south and to the east by the following line: from the south coast of Australia due south along the 141° meridian of east longitude to its intersection with the 55° parallel of south latitude; thence due east along the 55° parallel of south latitude to its intersection with the 150° meridian of east longitude; thence due south along the 150° meridian of east longitude to its intersection with the 60° parallel of south latitude; thence due east along the 60° parallel of south latitude to its intersection with the 130° meridian of west longitude; thence due north along the 130° meridian of west longitude to its intersection with the 4° parallel of south latitude; thence due west along the 4° parallel of south latitude to its intersection with the 150° meridian of west longitude; thence due north along the 150° meridian of west longitude. The WCPFC Convention

Area is as shown in Appendix 1.

(5)The Area of "The Convention for the Establishment of an Inter-American Tropical Tuna Commission" and "The Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention between the United States of America and the Republic of Costa Rica (hereinafter referred to as 'IATTC Convention Area')" means the waters of the Pacific Ocean bounded by the coastline of North, Central, and South America and by the following lines: the 50°N parallel from the coast of North America to its intersection with the 150°W meridian; the 150°W meridian to its intersection with the 50°S parallel; and the 50°S parallel to its intersection with the coast of South America. The IATTC Convention Area is as shown in Appendix 2.

- (6) "Independent third party" means any of the following institutions recognized by the competent authority:
- i. For Japan:
- (i)Shinken Corporation.
- (ii)Nippon Kaiji Kentei Kyokai, Incorporated Association.
- ii. For areas excluding Japan: the verifying institution which obtains the accreditation for management system certification from the Taiwan Accreditation Foundation (TAF).
- (7) "Carrier vessel" means the following vessels that conducts the transshipment of catches from catching vessels to itself and transports to ports:
- i. 'Carrier vessel of the Republic of China' refers to the carrier vessel which has the fishing license of the Republic of China.
- ii. 'Foreign carrier vessel' refers to the carrier vessel, excluding container vessel, which has the valid nationality certificate of the flag State of a foreign country.
- iii.Part-time carrier vessel' refers to the tuna longline fishing vessel which conducts part time the transshipment of catches.

Article 3

Types of fishing vessels proceeding to the Pacific Ocean for fishing operation

are categorized as tuna longline fishing vessels, tuna purse seine fishing vessels, and carriers of the Republic of China.

Article 4

Fishing vessels proceeding to the Pacific Ocean to catch tunas, billfishes,

sharks, skipjacks, or mahi mahi shall be limited to tuna longline fishing vessels

of 20 Gross Tonnage (GT) and above or tuna purse seine fishing vessels.

"Regulations on the Management of Catching Pacific Bluefin Tuna" or "Regulations for Fishing Vessels Conducting Southern Bluefin Tuna Fishery"

shall also be applied to any tuna longline fishing vessel catching Pacific

bluefin tuna or southern bluefin tuna.

Article 5

Fishing areas for tuna longline fishing vessels of 100 GT and above (hereinafter

referred to as "large scale longliners") fishing in the Pacific Ocean are divided

as follows, and are as shown in Appendix 3 and 4:

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

the area between 130°W to 150°W and 20°S to 25°N.

(2)North bigeye tuna fishing area: the area between $130\,^\circ\mathrm{W}$ to $150\,^\circ\mathrm{W}$ and $25\,^\circ\mathrm{N}$ to

10°N.

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

south of

10°S; and the area between the east of 130°W and the south of 15°S.

(5)North albacore tuna fishing area: the area between the west of $130\,^\circ\mathrm{W}$ and the

north of 10°N ; and the area between the east of 130°W and the north of 15°N .

Fishing areas for tuna longline fishing vessels of 20 GT and above and lees than

100 GT (hereinafter referred to as "small scale longliners") fishing in the

Pacific Ocean are divided as follows and are as shown in Appendix 5:

(1) Western and central Pacific fishing area: the area west of 150°W.

(2)Eastern Pacific fishing area: the area between 130°W to 150°W and the south of

 $5\,^{\circ}\mathrm{S}$ and the north of $10\,^{\circ}\mathrm{N}$; the area between the east of $130\,^{\circ}\mathrm{W}$ and the south of

15°S and the north of 10°N

(3)Eastern Pacific swordfish fishing area: the area between 130°W to 150°W and

5°S to 10°N.

The fishing area for tuna purse seine fishing vessels fishing in the Pacific

Ocean shall be limited to the area west of $150\,^\circ\mathrm{W}$, and such vessels shall not fish

on the high seas north of 20°N or south of 20°S.

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

competent authority.

Article 6

Tuna longling fishing vessels proceeding to the Pacific Ocean for fishing operation

are categorized, in accordance with the GT, catch species and operation patterns,

into the following groups:

(1)For large scale longliners:

i.Bigeye tuna group: bigeye tuna as the target species.

ii. Albacore tuna group: albacore tuna as the target species.

(2) For small scale longliners:

i.General group: no specific target species.

ii.Frozen yellowfin tuna group: the fishing vessel with freezing equipment which

has more individual vessel quota of bigeye tuna than the fishing vessel of general

group.

iii.Seasonal sharks group: fishing vessels targeting sharks during certain seasons

and whose individual vessel quota of bigeye tuna is less than fishing vessels of general group.

Article 7

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

follows:

(1)For large scale longliners:

i. Bigeye tuna group: the number of fishing vessels is limited to 50, among which the

number of fishing vessels fishing in the east bigeye tuna fishing area shall be

promulgated by the competent authority.

ii.Albacore tuna group: the number of fishing vessels is limited to 51, among which

the maximum number of fishing vessels fishing in the north albacore tuna fishing area

is limited to 25.

(2) For small scale longliners:

i.Frozen yellowfin tuna group: the number is limited to 50.

ii.General group or seasonal sharks group: the total number of fishing vessels is

limited to 550, among which the maximum number of fishing vessels of the seasonal

sharks group is 170. However, the number of fishing vessels fishing in the eastern

Pacific fishing area and in the eastern Pacific swordfish fishing area shall be

promulgated by the competent authority.

(3) The number of tuna purse seine fishing vessels is limited to 34.

Chapter II Application and Issuance of the Distant Water Fisheries Permit Article 8

Any distant water fisheries operator intending to apply for the distant water fisheries

permit(s) for his/her fishing vessel(s) to fish in the Pacific Ocean in the following year

shall fill in the application form, formats of which are as shown in Appendix 6 to 9, in

accordance with types of fishing vessels and groups and submit it with the following

documents:

(1)A copy of the valid fishing license which shall contain the International Maritime

Organization (IMO) ship identification number or Lloyd's Register (LR) number.

(2)The color photograph of the fishing vessel no older than three years. The photograph

must show a stem-to-stern side view of the vessel; clearly and legibly display the vessel

name and international radio call sign; be in the form of a single electronic file and

have a resolution of at least 150 pixels per inch at a size of 6 by 8 inches; and be no

greater than 500 kilobytes (kB) in size.

(3) The document certified by the commissioned professional institution that the automatic

location communicator (ALC) on board the fishing vessel can regularly and normally transmit

vessel positions.

(4) The document certified by the commissioned professional institution that the electronic

logbook (E-logbook) system on board the fishing vessel can normally transmit catch data.

(5) The vessel tracking agreement form serving as an authorization allowing the competent

authority and the international fisheries organization to track vessel positions. He who

has already provided such form shall be exempted from this provision.

Article 9

The distant water fisheries operator who has applied for the distant water fisheries

permit pursuant to Article 8 shall choose the fishing area in accordance with the

following provisions:

(1) Fishing vessels of bigeye tuna group can apply to fish in the bigeye tuna fishing

area. Such vessels may at the same time apply for the east bigeye tuna fishing area.

(2) Fishing vessels of albacore tuna group can apply to fish in the albacore

tuna fishing

area. Such vessels may at the same time apply for the north albacore tuna fishing areas.

(3) Fishing vessels of frozen yellowfin tuna group can apply to fish in the western and

central Pacific fishing area.

(4) Seasonal sharks group or general group can apply to fish in the western and central

Pacific fishing area. Such vessels may at the same time apply for the eastern Pacific

fishing area, and for vessels which apply for fishing in the eastern Pacific fishing area,

such vessels may also apply for the eastern Pacific swordfish fishing area.

Article 10

Any fishing vessel that applies for the distant water fisheries permit for the following

year shall meet any of the following conditions:

(1)Large scale longliners:

i. For bigeye tuna group:

(i)It is a fishing vessel of the bigeye tuna group that obtains the distant water

fisheries permit of the current year from the competent authority.

(ii)It is a newly built fishing vessel which has received the replacement qualification

of a fishing vessel of the bigeye tuna group.

ii. For albacore tuna group:

(i)It is a fishing vessel of the albacore tuna group that obtains the distant water

fisheries permit of the current year from the competent authority.

(ii)It is a newly built fishing vessel which has received the replacement qualification

of a fishing vessel of the albacore tuna group.

(2) Small scale longliners:

i. For frozen yellowfin tuna group:

(i) It is a fishing vessel of the frozen yellowfin tuna group that obtains the distant

water fisheries permit of the current year from the competent authority.

(ii)It is a newly built fishing vessel which has received the replacement qualification

of a fishing vessel of the frozen yellowfin tuna group.

ii.For seasonal sharks group:

(i) It is a fishing vessel of the seasonal sharks group or general group that has obtained

the distant water fisheries permit from the competent authority after 2017.

(ii)It is a newly built fishing vessel which has received the replacement qualification of

a fishing vessel of the seasonal sharks group.

iii.For general group:

(i)It is a fishing vessel of the general or seasonal sharks group that has obtained the

distant water fisheries permit from the competent authority after 2017.

(ii)It is a newly built fishing vessel which has received the replacement qualification

of a fishing vessel of the general or seasonal sharks group.

Article 11

For the application of the distant water fisheries permit of the following year, the documents

prescribed in Article 8 shall be submitted in accordance with the following procedures and

deadline:

(1) For any distant water fisheries operator of large scale longliner(s) that is a member of the

Taiwan Deep Sea Tuna Boat-owners and Exporters Association (hereinafter

referred to as "Tuna

Association"), it shall apply to the Tuna Association before October 15 of the current year,

which shall compile the applications in accordance with the groups for delivery to the competent

authority before October 31 of the current year.

(2) For any distant water fisheries operator of large scale longliner(s) that is not a member of

the Tuna Association, he/she shall apply to the competent authority before October 31 of the

current year.

(3) For any distant water fisheries operator of small scale longliner(s) that is a member of the

Taiwan Tuna Longline Association (hereinafter referred to as "Longline Association"), he/she

shall apply to the Longline Association before October 15 of the current year. The Longline

Association shall compile the applications in accordance with the groups and deliver to the

competent authority before October 31 of the current year.

(4) For any distant water fisheries operator of small scale longliner(s) that is not a member of

the Longline Association, he/she shall apply to the competent authority before October 31.

(5) For any distant water fisheries operator of tuna purse seine fishing vessel(s), he/she shall

apply to the Taiwan Deep Sea Tuna Purse Seiners Boat-Owners and Exporters Association (hereinafter

referred to as "Purse Seine Association") before October 15 of the current year. The Purse Seine

Association shall deliver the applications to the competent authority before October 31 of the current year.

(6) For any distant water fisheries operator of carrier vessel(s) of the Republic of China, he/she

shall apply to the competent authority before October 31 of the current year.

Article 12

For fishing vessels applying for the distant water fisheries permit of seasonal sharks group for

the following year, the application shall be accepted in accordance with the following sequence

of priority:

(1) First priority: the fishing vessel of the seasonal sharks group that obtains from the competent

authority the distant water fisheries permit of the current year.

(2)Second priority: the fishing vessel of the seasonal sharks group that has obtained from the

competent authority the distant water fisheries permit after 2017.

(3) Third priority: the fishing vessel of the general group that has obtained from the competent

authority the distant water fisheries permit after 2017.

In the event that the number of fishing vessels applying for fishing in the east bigeye tuna

fishing area exceeds the prescribed limit, the Tuna Association shall, in an equitable and

impartial manner, draw lots to decide the priority.

For fishing vessels applying for fishing in the north albacore tuna fishing area, the Tuna

Association shall come up with a list of vessel priority in accordance with the following

sequence of priority and submit to the competent authority:

(1) First priority: the fishing vessel of the albacore tuna group that

obtains the distant water

fisheries permit of the current year and has fished over 75 days in the north albacore fishing

area.

(2) Second priority: the fishing vessel of the albacore tuna group that obtains the distant water

fisheries permit of the current year and has fished less than 75 days in the north albacore

fishing area.

(3)Third priority: the fishing vessel of the albacore tuna group that obtains the distant water

fisheries permit of the current year but does not obtain the permit to fish in the north albacore

tuna fishing area.

(4) Fourth priority: the fishing vessel of the albacore tuna group that obtains the distant water

fisheries permit to fish in the north albacore tuna fishing area in the current year but does not proceed to fish in such area.

For fishing vessels applying for fishing in the eastern Pacific fishing area, the Longline

Association shall come up with a list of vessel priority in accordance with the following sequence

of priority and submit to the competent authority:

(1) First priority: the fishing vessel which obtains the distant water fisheries permit to fish in

the eastern Pacific fishing area and has historical catch record.

(2) Second priority: the fishing vessel which obtains the distant water fisheries permit of the

current year but does not obtain the permit to fish in the eastern Pacific fishing area.

(3)Third priority: the fishing vessel which obtains the distant water fisheries permit to fish in

the eastern Pacific fishing area in the current year but does not proceed to fish in such area.

In the event that the number of applying fishing vessels in paragraph 1 or 2 exceeds the limits and

the priority cannot be decided in accordance with the provisions on the sequence of priority, the

competent authority shall draw lots to decide the priority in an equitable and impartial manner.

In the event that the number of fishing vessels applying to fish in the eastern Pacific swordfish

fishing area exceeds the limit, the competent authority shall draw lots to decide the priority in

an equitable and impartial manner.

Article 13

In the event that the number of fishing vessels obtaining the distant water fisheries permits does

not reach the limit of each group of the current year, the vacancy shall be filled pursuant to the

sequence of priority prescribed in Article 12, and the competent authority may announce in due

course to accept applications, notwithstanding the application deadline prescribed in Article 11.

Article 14

The distant water fisheries operator who has obtained the distant water fisheries permit of bigeye

tuna group may apply to the competent authority to fish in the north bigeye tuna fishing area from

April to September of the current year, notwithstanding the application

procedures and deadline prescribed in Article 11.

Article 15

In case of any of the following conditions, the distant water fisheries operator may submit the

documents prescribed in Article 8 and apply for the distant water fisheries permit to the competent

authority, notwithstanding the application procedures and deadline prescribed in Article 11:

- (1) The distant water fisheries operator of a fishing vessel has changed;
- (2)The distant water fisheries operator has obtained the fishing license for the chartered fishing

vessel:

(3) The distant water fisheries operator has obtained the fishing license for the newly-built fishing

vessel;

- (4) The distant water fisheries operator who resumes the operation after the suspension of the operation
- authorized pursuant to Article 11 of the Fisheries Act has expired;
- (5) The distant water fisheries operator applies for the renewal of the expired fishing license;
- (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.

In case that the distant water fisheries operator of any fishing vessel that has obtained the distant

water fisheries permit to fish in the east bigeye tuna fishing area, north albacore tuna fishing area,

eastern Pacific fishing area, or eastern Pacific swordfish area has changed during the period of

validity of the permit, and the new distant water fisheries operator applies for the distant water

fisheries permit in accordance with the preceding paragraph, the competent authority shall authorize

such fishing vessel to continue fishing in the permitted fishing area(s) in the current year.

Article 16

A certificate of distant water fisheries permit will be issued to the application approved by the

competent authority. The maximum period of validity of the permit shall be one year, and shall not

exceed that of the fishing license.

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

following:

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

The distant water fisheries operator shall place onboard the fishing vessel a copy of the valid

distant water fisheries permit in case of inspection.

Article 17

In the event that the distant water fisheries operator who has obtained the distant water

fisheries permit to fish in the north albacore tuna fishing areas or eastern Pacific fishing

areas waives such right, he/she shall apply to the competent authority for the revocation of the

permit before August 1 of the current year.

Article 18

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

application to the competent authority.

In the event that a large scale longliner intends to change the group or fishing Ocean with other

fishing vessel, the following provisions shall be met:

- (1)Distant water fisheries operators of both vessels are members of the Tuna Association;
- (2)Both vessels have the valid certificates of distant water fisheries permits;
- (3) The fishing vessel intending to change to the bigeye tuna group shall be equipped with

ultra-low temperature devices, and its distant water fisheries operator has made a guarantee

letter to assume the duty from the original fishing vessel of bigeye tuna group to pay the

reimbursement of the vessel reduction program; and

(4) The penalty of suspending the fishing license has been completely executed.

In the event that a small scale longliner intends to change the group or fishing Ocean with other

fishing vessel, the following provisions shall be met:

(1) It is an interchange between a fishing vessel of the frozen yellowfin tuna group of the

Pacific Ocean and that of the general group of the Indian Ocean.

(2) It is an interchange between a fishing vessel of the general group or seasonal sharks group of

the Pacific Ocean and that of the general group 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.

For any fishing vessel approved to change the group or fishing area, the permit to fish in the east

bigeye tuna fishing area, north albacore tuna fishing area, eastern Pacific Ocean area, and eastern

Pacific swordfish fishing area shall be denied. In case that the vessels approved of such change

belong to the same distant water fisheries operator, or that there is no applicant applying to fill

in the vacancy in the current year, such provision shall not be applied.

Chapter III Fishing Vessel and Fishing Gear Markings Article 19

Fishing vessels shall be marked with vessel markings, including, at least, the Chinese and English

vessel name, name of registry port, CT numbers and IRCS. The characters and the edges of characters

shall maintain clear and identifiable at all times.

Where fishing vessels are fishing or berthing at ports, the IRCS shall be displayed clearly

identifiable for the sighting by other vessels from the water surface or airplanes from the air.

Article 20

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

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 10.

Article 21

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 starboard 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 22

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

Article 23

Fishing gear(s) of any catching vessel shall be equipped with signal flags, radar reflector buoys

or other similar devices so as to identify the position(s) and fishing area(s).

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

Article 24

For any catching vessel navigating through the water under national jurisdiction of any foreign

country, all fishing equipment on board shall be stowed and secured, and such vessel shall not

conduct activities such as arrangement of fishing gears or fishing, except that it has engaged

in fisheries cooperation with the foreign country concerned.

Article 25

For any tuna longline fishing vessel fishing in the WCPFC Convention Area with hooks at a depth

shallower than 100 meters, any of the following mitigations measures shall

he used

(1)Large circle hooks shall be used; or

(2) Fishes except for Cephalopods species shall be used as baits, and the bait fishes shall

remain intact. Notwithstanding such provision, the bait fishes may not remain intact starting from 1 January 2020.

The large circle hooks as referred to in the preceding paragraph are hooks that are above 3 inches

and are circular or oval in shape. The point is turned perpendicularly back to the shank. These

hooks shall have an offset not to exceed 10 degrees.

Article 26

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

Article 27

Any tuna longline fishing vessel shall carry on board the line cutter, dehooker and scoop/dip

net, formats of which are as shown in Appendix 12, to release incidentally caught seabirds and sea turtles.

Article 28

Any tuna longline fishing vessel fishing in the WCPFC Convention Area shall use the seabird

mitigation measures, specifications of which are as shown in Appendix 13, in accordance with

the following provisions:

(1)When fishing in the WCPFC Convention Area north of 23°N, the tuna longline fishing vessel

shall use at least two seabird bycatch mitigation measures which may be the installation of two

sets of tori lines or one set of tori line together with one of the following measures: weighted

branch lines, night setting, management of offal discharge, blue dyed bait and deep setting line

shooter.

(2)When fishing in the WCPFC Convention Area south of 30°S, the tuna longline fishing vessel shall

use at least two seabird bycatch mitigation measures, one of which shall be tori lines, and the

other shall be weighted branch lines or night setting.

(3)Starting from 1 January 2020, tuna longline fishing vessels fishing in the WCPFC Convention Area

between south of 20°S and north of 30°S shall use tori lines for seabird mitigation.

Any tuna longline fishing vessel fishing in the IATTC Convention Area south of 30°S and north of

 $23^{\circ}N$, as well as the area bounded by the coastline at $2^{\circ}N$, west to $2^{\circ}N$ - $95^{\circ}W$, south to $15^{\circ}S$ - $95^{\circ}W$,

east to 15°S-85°W, and south to 30°S shall use at least two different seabird bycatch mitigation

measures, one of which shall be tori lines and the other shall be night setting, weighted branch

lines, management of offal discharge or line shooting device. The area is as shown in Appendix 14,

and the specifications of the seabird mitigation measures are as shown in Appendix 15.

Chapter V Catch Limits or Quotas Article 29 For the purpose of these Regulations, the species with catch limit (hereinafter referred to as "

fish species with catch limit") as referred to in subparagraph (7) of Article 13, paragraph 1 of the Act means bigeye tuna.

Article 30

The annual total catch quota (unprocessed round weight, hereinafter the same when referring to

"quota" in the following provisions) of the Republic of China in the Pacific Ocean and the

individual catching vessel quota shall be promulgated by the competent authority in accordance

with the conservation and management measures.

The percentage of the annual total catch quota in the WCPFC Convention Area allocated to the

large scale longliners and small scale longliners fleets is 57% and 43% respectively.

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 catching vessels 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.

In case that the number of fishing vessels obtaining the distant water fisheries permits of each

group in the current year does not exceed the limit, the total remaining quota may be arranged by the competent authority.

Article 31

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

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For any catching vessel that has not obtained the distant water fisheries permit of the entire

year, the quota shall be granted in accordance with the percentage that the number of month(s)

approved accounts for the whole year. Notwithstanding such provision, in the event that the

ownership of any catching 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 catching 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 $% \left\{ 1\right\} =\left\{ 1\right\} =\left$

quota of the catching vessel concerned in the current year:

- (1)Loss of a catching 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 32

The catch amount of the fish species with catch limit or that of striped marlin for any catching

vessel shall not exceed the quota allocated to the individual vessel for the current year. In case

of excess, the annual quota of such fishing vessel for the following year shall be deducted accordingly.

In the event that the catch amount of the fish species with catch limit of any catch 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 33

In case of any of the following conditions, the competent authority shall grant the quota of the

current year in accordance with the percentage that the number of month(s) the catching vessel

actual fishes accounts for the whole year; shall retrieve the quota on a pro-rata basis from

the catching vessel which has been granted the quota; or shall deduct the quota allocated for

the following year in the event that the quota of the current year is unable to be retrieved

from the vessel:

(1) The catching vessel is punished by the competent authority of the suspension of the fishing

license for one month and above.

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

For any catching 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 34

Any small scale longliner shall not target bigeye tuna.

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

catch amount of the fishing vessel during six months exceeds 50% and above of its total catch

amount of the same period.

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

The targeting of albacore tuna as referred to in the preceding paragraph

means that the albacore

tuna catch amount of the fishing vessel during six months exceeds 50% and above of its total catch amount of the same period.

Article 35

For any tuna longline fishing vessel which changes the fishing Ocean or group with other vessel

pursuant to Article 18, its individual vessel quota for the remaining period of its permit shall be

the remaining quota of that other vessel, and its annual individual vessel quota of bigeye tuna

shall be limited as follows:

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

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

Article 36

Any large scale longliner may, at its discretion, transfer its bigeye tuna quota allocated for

each of its fishing areas in the Pacific Ocean and shall report such transfer to the competent

authority for perusal. The total bigeye tuna quota allocated to the individual large scale

longliner in the WCPFC Convention Area shall remain the same before and after the transfer.

Article 37

In the event that the following requirements are met, the bigeye tuna quota of a fishing vessel

of the bigeye tuna group may, through the coordination of the Tuna Association which reports to

the competent authority for approval, be transferred to other fishing vessel(s) of the bigeye

tuna group:

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

the transfer; and

(2)Both the transferring and receiving fishing vessels shall not have 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.

In case that fishing vessels of the bigeye tuna group transfer their quota of different fishing

areas to each other and, after such transfer, the total quota of such vessel in the entire

Pacific Ocean is less than its individual vessel quota in the current year, the provision

stipulated in the preceding two paragraphs shall not apply.

Article 38

Fishing vessels of albacore tuna group may, through the coordination of the Tuna Association

which reports to the competent authority for approval, transfers their bigeye tuna quotas of

different fishing areas to each other. The total bigeye tuna quota of such fishing vessel in

the Pacific Ocean shall remain the same before and after the transfer.

Article 39

The competent authority may, after July of each year, announce the additional bigeye tuna quota

that can be applied for.

For the application of the additional quota as referred to in the preceding paragraph, the

following provisions shall be met:

(1)For the fishing vessel of bigeye tuna group: such fishing vessel has received the bigeye

tuna quota from other vessel(s), and its accumulated 330 metric tons of bigeye tuna quota has

been used up to 70%.

(2)For the fishing vessel of frozen yellowfin tuna group: such fishing vessel has used its

bigeye tuna quota up to 70%.

The maximum additional quota for each fishing vessel as referred to in the preceding paragraph

shall be 70 metric tons for the fishing vessel of bigeye tuna group and 40 metric tons for

that of frozen yellowfin tuna group.

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

Article 40

The competent authority may grant premium quota to the catching vessel which cooperates with

the competent authority to carry out relevant experiments, researches or management measures.

12.5 metric tons of premium quota of bigeye tuna may be granted for every accumulated 15

fishing days of any fishing vessel of the bigeye tuna group fishing in the east bigeye tuna

fishing area, and the maximum of the premium quota granted may be 50 metric tons. The

individual vessel quota of bigeye tuna and the premium quota of such fishing vessel shall not

be more than 400 metric tons in total.

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

Article 41

Except for fishing vessels of seasonal sharks group, any tuna longline fishing vessel fishing

in the WCPFC Convention Area shall not target sharks.

The targeting of sharks as referred to in the preceding paragraph means the catch amount of

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

Article 42

For any tuna longline fishing vessel fishing in the IATTC Convention Area, its catch amount of

silky sharks in one fishing trip shall not exceed 20% of its total catch amount of the same fishing trip.

In case that the fishing vessel as referred to in the preceding paragraph fishes with hooks

at a depth shallower than 100 meters, the catch of silky sharks of less than 100 centimeters

total length shall not exceed 20% of the total number of silky sharks caught during one fishing trip.

Chapter VI Management of Vessel Position Reporting

Chapter 43

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

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 44

In case that a fishing vessel needs to stay in a domestic port for three days or above; or in

a foreign port for dry docking; or in a foreign port for seven days or 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 45

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

In case that the identification number of ALC on board has been changed, the distant water

fisheries operator shall notify the competent authority or the commissioned professional

institution in writing.

Article 46

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

has not received positions automatically transmitted by the ALC twice consecutively for any

tuna purse seine fishing vessel or four times consecutively for any tuna longline fishing

vessel or carrier 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 Secretariat of the Western and Central Pacific

Fisheries Commission (hereinafter referred to as "WCPFC"), or to the WCPFC Secretariat through the

fishery radio station located in the Republic of China. The vessel positions shall be recorded by

automatic recording satellite navigator for perusal in later days. The format of the facsimile is as shown in Appendix 16.

The transmit of vessel positions as referred to in the preceding paragraph shall be every six hours

for any tuna longline fishing vessel and carrier vessel, and hourly for any tuna purse seine fishing vessel

For any fishing vessel with spare set of ALC on board, it shall report to the competent authority

of using the spare set during the mal-function of the ALC. In case that the spare set is also

mal-functional, the spare set from other fishing vessel may be deployed after obtaining the

competent authority's approval.

Article 47

In the event that the ALC onboard is deemed as signal lost for an accumulative period of 15 days

and above during one fishing trip, the competent authority may order such fishing vessel to stop

fishing immediately and directly navigate to a designated port within the required timeframe for

repair 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 47-1

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 43 to 47 shall apply to such vessel.

Article 48

In case of sighting of any national or foreign fishing vessel in the area of high seas bounded by

the exclusive economic zones of the Cook Islands, French Polynesia and Kiribati (hereinafter

referred to as "the Easter High-Seas Pocket, EHSP"), the distant water fisheries operator or the

captain shall submit a completed sighting report in the format as shown in Appendix 17 to the

competent authority within 15 days after departure from the EHSP.

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

Chapter VII Logbooks and Catch Reports Article 49

In the event that any catching vessel leaves a port, its captain shall daily report catch data

through the E-logbook system designated by the competent authority. The catch data reported shall

be complete and accurate, and where the catch amount is zero, catch data shall be reported as well.

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 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 Elogbook system as referred to

in the preceding paragraph shall be borne by the distant water fisheries operator.

Article 49-1

In the event that a tuna longline fishing vessel authorized to conduct Pacific bluefin tuna fishing

operation and whose fishing area is west of 128°E and north of 17°N, fills in the logbooks

designated by the competent authority completely and accurately, such vessel may not report its catch

data through the E-logbook system in accordance with Article 49 and 50 to 52.

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

logbook for the fishing vessel as referred to in the preceding paragraph, the datum recorded in the

E-logbook system shall prevail

The complete logbooks shall be maintained on board the fishing vessel as referred to in paragraph 1

for at least one year, and a copy of the logbooks shall be submitted to the competent authority for

perusal within 60 days starting from the date the fishing vessel enters a port.

Article 50

Any tuna longline fishing vessel shall not catch Pacific bluefin tuna or 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 E-logbook system.

In the case of any of the following circumstances, any catching vessel shall immediately discard any

subsequent catch of the species concerned and record the amount of discard in the E-logbook system:

- (1) The quota of the fish species with catch limit or the quota of striped marlin is exhausted.
- (2)Any Pacific bluefin tuna is subsequently caught after the deadline prescribed by the competent

authority in Article 4 of the Regulations on the Management of Pacific Bluefin Tuna Fishing Operation.

Article 51

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

where practicable, bring aboard any comatose or inactive sea turtle as soon as possible, and

foster its recovery and return it to the sea at once after recovery.

Any seabird, sea turtle, whale shark, cetacean, penguin or prohibited species promulgated by the

competent authority incidentally caught by any catching vessel shall be released when caught alive

or discarded when dead, and the number(s) shall be duly recorded in the E-logbook system.

Article 52

Any fish species of no economic value or no utilizing value caught by any catching vessel shall be

released immediately, and number(s) discarded shall be duly recorded in the E-logbook system.

Article 53

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 54 (Deleted)

Article 55

The discrepancy between the catch amount recorded in the E-logbook during one fishing trip of any

tuna longline fishing vessel and its actual landing amount shall not exceed the following margins:

(1) For fish species with catch limit: 10% of the actual landing amount.

(2) For yellowfin tuna, albacore tuna, swordfish, or striped marlin: 20% of the actual landing

amount.

(3) For fish 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 yellowfin tuna, albacore tuna, swordfish, or striped marlin, the discrepancy is less than

four metric tons.

(3) For fish 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.

For any tuna longline fishing vessel which does not report its catch through the E-logbook system

pursuant to Article 49-1, the discrepancy as referred to in paragraphs 1 and 2 shall be

calculated based on the logbooks.

The discrepancy between the catch amount recorded in the E-logbook during one fishing trip of any

tuna purse seine fishing vessel and its actual landing amount shall not exceed 25%.

Article 56

A tuna longline fishing vessel that is under any of the following circumstances shall be deemed 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 yellow fin tuna, albacore tuna, sword fish, or striped 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 fish 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.

For any tuna longline fishing vessel which does not report its catch through the E-logbook system

pursuant to Article 49-1, the discrepancy as referred to in paragraphs 1 and 2 shall be calculated based on the logbooks.

For any tuna purse seine fishing vessel, in case that the discrepancy between the catch amount

recorded in the E-logbook and the actual landing amount exceeds 50% of the actual landing amount,

it shall be deemed as "seriously misreporting" as referred to in subparagraph (12) of Article 13, paragraph 1 of the Act.

Chapter VIII Management of Shark Catch

Article 57

Any fishing vessel of the seasonal sharks group shall not catch or retain on board any shark of

less than 100 centimeters total length.

Any fishing vessel of the seasonal sharks group shall not catch sharks in the area north of 35°N,

and between 165°E to 175°E from June 1 to October 31 of each year.

In case of catching any shark as referred to in paragraph 1, or catching any shark during the

period or area as referred to in the preceding paragraph, such catch shall be discarded and the

amount of discard shall be recorded in the E-logbook.

Article 58

For any tuna longline fishing vessel employing ice chilling method to preserve its sharks catches

and transporting such sharks catches to land in a domestic port, shark fins shall not be fully cut

off and shall be naturally attached to the carcasses (hereinafter referred to as "fins naturally attached").

For any large scale longliner employing freezing method to preserve its sharks catches and

transporting such sharks catches to land in a domestic port, shark fins shall be naturally attached

or tied to carcasses. The fins and carcass that are tied together shall be of the same shark

For any small scale longliner employing freezing method to preserve its sharks catches and

transporting such sharks catches to land in a domestic port, the fins shall be naturally attached or

alternatively the dorsal fins and pectoral fins shall be tied to the corresponding carcass, while the

caudal fins may be stored separately. The caudal fins and carcasses shall be transshipped or landed

concurrently in the same shipment, and the number of caudal fins shall be consistent with that of carcasses.

In case that any fishing vessel of the seasonal sharks group that employs frozen method to preserve

its blue shark catch lands in a domestic port, the shark fins and carcasses of blue shark shall be

landed concurrently in the same shipment, and the weight of fins shall not be more than 5% of the

weight of such shark catches. The disposal of fins shall be exempted from the provisions stipulated

in the preceding paragraph.

Article 59

In case of at-sea transshipment of shark catches, shark carcasses and fins shall be transshipped or

landed concurrently in the same shipment.

When sharks catches arrive at the first foreign port of landing, the weight of fins shall not be

more than 5% of the weight of the shark catches.

Article 59-1

Catching 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 60

Any catching vessel intending to conduct transshipment or landing in a domestic port or a foreign

port located in the Pacific Ocean shall be limited to the ports stipulated in Appendix 18.

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

applying for landing or transshipping in the ports as 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 61

permit;

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

following requirements:

(1)It is a carrier vessel of the Republic of China and has obtained the distant water fisheries

(2) It is a foreign carrier vessel listed on the carrier lists of the WCPFC or the IATTC, and

has been installed with the ALC which meets the standards specified by the competent

authority. At least one position shall be sent hourly to the commissioned professional

institution; or

(3) It is a part-time carrier vessel authorized by the competent authority.

Article 62

The distant water fisheries operator of any tuna longline fishing vessel of 80 GT and above

may apply for such vessel to conduct part-time transshipment.

The number of part-time carrier vessels shall be limited to ten every year. In case that the

number of applications exceeds ten, it shall be decided in accordance with the order of sequence.

The period of the authorization granted to the part-time carrier vessel shall be one year.

During such period, any part-time carrier vessel shall not fish, and shall land only in ports

of the Republic of China.

The competent authority shall revoke the authorization of any authorized part-time carrier

vessel that does not transship any catch for six months starting from the date of

authorization. The competent authority shall, in accordance with the order of sequence as

referred to in paragraph 2, authorize the fishing vessel in the next order as the part-time carrier vessel.

Article 63

Any carrier vessel or part-time carrier vessel of the Republic of China shall not transship

with, refuel or supply any fishing vessel not listed in the authorized fishing vessel lists

of IATTC or WCPFC, or any fishing vessel that has altered its name or registration numbers.

Article 64

In case of any of the following circumstances, the competent authority shall list the

foreign carrier vessel concerned which transships catches from any catching vessel on the

non-cooperative carrier vessels list:

(1)The foreign carrier vessel has violated any provision regarding vessel position

reporting; or

(2) The foreign carrier vessel has violated any provision regarding transshipment or landing.

Article 65

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

Article 66

For any small scale longliner approved to fish in the eastern Pacific swordfish fishing

area, its catches shall be landed only in the ports of the Republic of China.

Article 67

Any carrier vessel intending to conduct transshipment at sea shall receive an observer in

accordance with the regional observer program of the IATTC or WCPFC to conduct observation

mission on board. For any carrier vessel intending to conduct transshipment in port, it

shall receive the observer designated by the competent authority to conduct observation

mission on board.

The distant water fisheries operator whose tuna longline fishing vessel(s) conducts

transshipment at sea on the Convention Water(s) shall share the cost for the implementation

of the regional observer program in accordance with such program of IATTC or WCPFC.

Article 68

For any carrier vessel intending to transship at sea, the distant water fisheries operator

shall submit the transshipment plan and relevant information and apply to the competent

authority 15 days before the at-sea transshipment for approval. The content of the information

to be submitted is as shown in Appendix 19. 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 19, apply to the competent authority for approval before conducting the transshipment

in port with any catching vessel for the first time in the current year.

In case of any addition to the list of catching vessel(s) in the transshipment plan approved

by the competent authority, the application shall be submitted three working days before making

such addition to the competent authority for approval. The transshipment with the concerned

submitted after the prescribed deadline shall be denied.

Article 69

In case of any of the following circumstances, the application of transshipment plan made in

accordance with Article 68 shall be denied:

- (1) The carrier vessel concerned does not meet the requirements stipulated in Article 61;
- (2)Three years have not passed since the carrier vessel concerned was listed on the

non-cooperative carriers list; or

(3) The fine for violating the Act imposed on the carrier vessel concerned has not been paid completely.

Article 70

Any catching vessel and carrier vessel that intends to conduct transshipment shall respectively

apply for the approval from the competent authority before the transshipment.

Any distant water fisheries operator or captain applying for the approval as referred to in the

preceding paragraph shall fill in the Transshipment Notification and submit it to the competent

authority in accordance with the following prescribed timeframe, and the formats of the

Transshipment Notification for tuna longline fishing vessels are as shown in Appendix 20 and 21,

for tuna purse seine fishing vessels is as shown in Appendix 22:

(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.

In case of any of the following circumstances, the distant water fisheries operator or captain

concerned shall apply to the competent authority before the transshipment, and such transshipment

shall only be conducted after the competent authority approves:

(1)The transshipment will not be conducted within the deadline as prescribed in the preceding

paragraph.

(2) The change of the estimated location for at sea transshipment exceeds 24 nautical miles.

Article 71

For any catching 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 fish 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 yellowfin tuna, albacore tuna, swordfish, or striped 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 fish species except for those referred to in the preceding two subparagraphs, the

discrepancy between the amount to be transshipped and the catch amount reported through the

E-logbook system exceeds 25% of the latter.

In case that, for the catches to be transshipped, it is suspected that the catching 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 transship at sea.

Article 72

In the event that the catch of any catching 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 70 shall apply.

Article 73

The catching vessel or carrier vessel which obtains the approval to transship pursuant to Article

70 shall not conduct the transshipment in the event that the ALC on board is signal-lost and has

not been repaired.

Article 74

For any transshipment at sea in the WCPFC Convention Area or transshipment at sea of any catch

taken from the WCPFC Convention Area conducted by a carrier vessel, the WCPFC Transshipment

Declaration shall, within 24 hours after the completion of such transshipment, be filled in and

submitted to the competent authority. The format of the WCPFC Transshipment Declaration is as

shown in Appendix 23.

For transshipment at sea in the IATTC Convention Area conducted by the carrier vessel, the IATTC

Transshipment Declaration shall, within 24 hours after the completion of such transshipment, be

filled in and submitted to the IATTC Secretariat, with a copy to the competent authority. The

format of the IATTC Transshipment Declaration is as shown in Appendix 24.

Any carrier vessel shall, within seven working days after the completion of transshipment in

port, submit the Transshipment Declaration to the competent authority. Formats of the

Transshipment Declaration are as shown in Appendix 23, 24 and 25.

The distant water fisheries operator or the captain of any catching vessel shall, within seven

working days after the completion of transshipment, submit the Transshipment Declaration to the

competent authority. The formats for tuna longline fishing vessels are as shown in Appendix 23

and 24, and for tuna purse seine fishing vessels, the format is as shown in Appendix 25.

Article 75

The catching vessel which may conduct transshipment with the part-time carrier vessel shall be

limited to the catching vessel that has been approved by the competent authority to engage in

fisheries cooperation with foreign country.

The catching vessel approved to transship with the part-time carrier vessel shall transship in

the port of the foreign country with which the fisheries cooperation is engaged, and shall

comply with relevant management regulations of that foreign country.

Article 76

For any caching 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 26, 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 catching 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 catching vessel with the catch subsequently being transported by

commissioning a container vessel, the distant water fisheries operator or the captain of such

catching vessel shall submit it no later than three days before the estimated date for landing.

(3) For the landing conducted by a catching vessel with the catch subsequently being transported by

commissioning an airplane, the distant water fisheries operator or the captain of such catching

vessel shall submit it no later than three days before the estimated date for landing.

(4) For the landing conducted by a carrier vessel, the distant water fisheries operator of a catching

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, or for any fishing vessel whose fishing

area is within the area west of 128°E and north of 17°N during the entire fishing trip and that

lands in a domestic port, 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.

For any tuna purse seine fishing vessel that has submitted the transshipment declaration in accordance

with the relevant regulations, it shall be deemed as having applied for the landing approval in

accordance with paragraph 1.

For any tuna longline fishing vessel that is authorized to conduct Pacific bluefin tuna fishing

operation and has notified the fishery radio station in accordance with Article 25 of the

Regulations on the Management of Pacific Bluefin Tuna Fishing Operation for landing the Pacific

bluefin tuna caught in a domestic port, it shall be deemed as having applied for the landing

approval in accordance with paragraph 1.

Any tuna longline fishing vessel that is approved to be chartered for the fisheries cooperation with

a foreign country and employs ice chilling method to preserve the catch may land at the port(s) of

such a foreign country when operating in the water thereof, in accordance with the manner approved by such country.

Article 76-1

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 77

Upon the completion of landing of any catching 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

26, by the prescribed deadline:

(1)For the landing conducted by a catching 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 catching vessel with the catch subsequently being transported by

commissioning a container vessel, the distant water fisheries operator of such catching 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 catching vessel with the catch being subsequently transported by

commissioning an airplane, the distant water fisheries operator of such catching vessel shall submit

the Declaration within five working days after the airplane carrying such catch arrives at the

destination.

(4) For the landing conducted by a carrier vessel, the distant water fisheries operator of a catching

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 whole weighing

process has been completed for the catch landed at a port.

Article 78

The distant water fisheries operator and captain of any fishing vessel shall accept port

inspections conducted by the competent authority or the independent third party for the verification

of the catch landed or transshipped.

The distant water fisheries operator or captain of any fishing vessel that is designated by the

competent authority to be inspected shall comply with the following:

(1)For inspections conducted by the competent authority, the landing or transshipment shall only be

started after the person(s) of the competent authority has arrived.

(2) For inspections conducted by the independent third party, the application and contact with the

independent third party shall be made, and relevant fees for inspections shall be paid before the

landing and transshipment, which shall only be started after the person(s)

of the independent third party has arrived.

The fees incurred from any inspection on catches conducted by the independent third party at the

foreign ports shall be borne by the distant water fisheries operator of the vessel being inspected.

Article 79

The distant water fisheries operator of any catching vessel shall, within 60 days after the completion

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

Chapter X Observation and Inspection during Fishing Operation Article 80

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

estimated port entry or departure.

- (2)To embark and disembark the observer at the time and place informed by the competent authority.
- (3)To provide the observer, while onboard the vessel, with food, accommodation, adequate sanitary

amenities, and medical facilities of a reasonable standard equivalent to those normally available to

an officer onboard the vessel.

(4)To instruct the captain and crew of the vessel matters related to the cooperation with or

assisting the observer in carrying out the duties.

Article 81

The captain of any fishing vessel that receives the observer dispatched by the competent authority,

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 82

In the event of boarding and inspection conducted by the inspector(s) dispatched by the competent

authority, any captain and crew of the inspected vessel shall cooperate with, facilitate the safe

boarding and disembarkation of the inspector(s), and provide the inspector(s) with adequate space,

facilities and equipment for carrying out the duties.

Article 83

In the event that an observer dies or the search and rescue are ceased for a missing observer fallen

overboard, the fishing vessel shall immediately cease fishing operations, and the competent authority

shall order such vessel to navigate directly to the port designated by the competent authority for investigation.

In the event that an observer suffers from a serious illness or injury that threatens his or her

health or safety, the fishing vessel shall immediately cease fishing operations and facilitate the

disembarkation of the observer for appropriate medical treatment.

In the event that an observer is assaulted, intimidated, threatened, or harassed, the competent

authority may order such vessel to immediately cease fishing operations and navigate to the

designated port within the required timeframe.

Chapter XI Tuna Purse Seine Fishing Vessels

Article 84

Matters related to the management of tuna purse seine fishing vessels shall be governed by this

Chapter. Matters not stipulated in this Chapter shall be governed by these Regulations.

Article 85

The total number of fishing days on the high seas of tuna purse seine fishing vessels shall not

exceed the limit of the total number of fishing days for the current year promulgated by the competent authority.

Article 86

Any tuna purse seine fishing vessel shall not use or retrieve any fish aggregating device

(hereinafter referred to as "FAD") and shall not catch the school of fish associated with

FAD(s) during the FAD closure period promulgated by the competent authority.

The definition of FAD as referred to in the preceding paragraph means any object, creature or

method, regardless of size, living or non-living, floating on or near the water surface or

semi-submerged in the water, that is capable of aggregating fish. Types include buoys, floats,

webbings, weaved items, plastic, drifting woods (bamboo, timber, log, etc), creature (such as

whale shark), fishing vessel itself or another vessel, underwater light and casting bait.

During the period of FAD closure, any tuna purse seine fishing vessel

shall report its position

once in every 30 minutes, and manual report while fishing shall be prohibited.

Article 86-1

Any tuna purse seine fishing vessel shall not deployed at sea, at any one time, more than 350

drifting FADs with activated instrumented buoys.

An instrumented buoy as referred to in the preceding paragraph shall be clearly marked the

reference number allowing its identification, and shall be activated exclusively on board the fishing vessel.

Any distant water fisheries operator shall, before activating an instrumented buoy as referred

to in paragraph 1, report the information on the brand, type and reference number of such

instrumented buoy to the competent authority.

Article 87

The number of fishing days on the high seas and the period of FAD closure for tuna purse seine

fishing vessels shall be promulgated by the competent authority in accordance with conservation and management measures.

The period for using the fishing days on the high seas as referred to in the preceding paragraph

is from January 1 to December 31 of the current year.

Article 88

Any tuna purse seine fishing vessel shall, during the period of port departure to port entry,

carry on board the observer who meets the requirements of the international fisheries

organization(s), and shall report the list of observer(s) to the competent authority prior to port

departure. In case of special circumstances and with the competent authority's approval, such provision may not apply.

In case of any change to the observer as referred to in the preceding paragraph, the list of

observer(s) shall be reported to the competent authority prior to such change.

For any tuna purse seine fishing vessel fishing in the exclusive economic zone of a foreign country

with which the fisheries cooperation is engaged, such vessel shall carry the observer approved by that foreign country.

Article 89

Upon entry into or exiting the high seas, any captain of the tuna purse seine fishing vessel shall

daily fill in the Notification Form and submit it before next day to the Purse Seine Association.

The Purse Seine Association shall compile the Notification Form on next working day and submit to

the competent authority for perusal. The format of the Notification Form is shown as Appendix 27.

In case that the total fishing days on the high seas has reached 80% of the limit of the current

year, the competent authority may order all tuna purse seine fishing vessels to stop fishing on

the high seas within the required timeframe.

Article 90

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

Article91

Any tuna purse seine fishing vessel shall not engage in transshipment, supplying or refueling on

the high seas, and shall land or transship in port.

Article 92

Any skipjack, bigeye tuna or yellowfin tuna caught by any purse seine fishing vessel shall be

retained on board, except for the conditions stipulated in paragraph 2 of this Article.

In case of one of the following conditions, the skipjack, bigeye tuna or yellowfin tuna catch of

any purse seine fishing vessel may be discarded. The captain or distant water fisheries operator

of such vessel shall record the amount of discard in the E-logbook and, within 48 hours, fill in

and submit the Discard Notification of Purse Seiner Catches (format as shown in Appendix 28) to

the WCPFC Secretariat, the competent authority and the observer onboard: (1)Such catch is caught in the final set of a fishing trip, and yhere is insufficient well space.

(2) The catch is unfit for human consumption for reasons other than size. (3) Serious malfunction of equipment occurs when the vessel is operating within the Exclusive

Economic Zone.

Any tuna purse seine fishing vessel that discards skipjack, bigeye tuna, or yellowfin tuna pursuant

to subparagraph (1) of the preceding paragraph shall not subsequently conduct fishing operation

until landing or transshipment.

Article 93

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

In the event that a cetacean, whale shark or sea turtle is incidentally caught in the purse seine

net or encircled in the FAD, the captain shall take all possible measures to safely release such

species, and fill in the report for submission to the competent authority for perusal within 60

days after the incident happened. The format of the report is as shown in Appendix 29.

Chapter XII Special Management Measures for High Risk Fishing Vessels Article 94

Matters related to the management of high risk fishing vessels categorized by the competent

authority shall be governed by this Chapter. Matters not stipulated in this Chapter shall be

governed by these Regulations.

Article 95

Any distant water fisheries operator of the high risk fishing vessels shall, starting from the

date that the competent authority informs the distant water fisheries operator of such vessel,

comply with the special management measures as follows:

(1)Any high risk fishing vessel shall not engage in fisheries cooperation by means of being

chartered to any foreigner.

(2) For each fishing trip of such vessel, the observer dispatched by the competent authority

shall be carried on board, or the functional electronic monitoring equipment shall be

installed on board before leaving a port. For such vessel that has carried on board the observer

who meets the requirement of the international fisheries organization(s), it shall be exempted.

- (3) 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 96

In the event that any high risk fishing vessel does not violate any regulation for one year

starting from the date of being listed as high risk fishing vessel, such vessel shall be

de-listed and exempted from the special management measures.

Chapter XIII Supplemental Provisions

Article 97

Any catching vessel shall not fish within one nautical mile off a data buoy, or take on board,

possess or cause damage to the data buoy.

In case that the fishing gear becomes entangled with the data buoy, the entangled fishing gear

shall be removed with as little damage to the data buoy as possible.

In case of finding any data buoy that is damaged or non-functional, the captain shall report to

the competent authority the date, location, and the identifying information on the data buoy.

Article 98

To prevent harming marine living species, any fishing vessel shall not dispose any type of

plastic trash or discharge any oil on the sea.

Article 98-1

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 30.

Article 99
These Regulations shall become effective on January 20, 2017.

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

Attachments: Articles (109.8.31) .pdf
Appendix (109.8.31) .pdf

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