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| Title : | Act for Distant Water Fisheries  |
| Date : | 2024.05.08 |
| Legislative : | <p>1. The full text of 47 Articles promulgated on July 20, 2016 by Presidential Order Hua-Tsung (1) Yi-Tzu No. 10500079291 and became effective 6 months after its promulgation.</p> <p>The mandates that belong to the Coast Guard Administration as stipulated in Article 16; Article 21; Article 23, paragraph 1; and Article 25 were originally under the jurisdiction of the “Coast Guard Administration, Executive Yuan” and shall be under the jurisdiction of the “Coast Guard Administration of the Ocean Affairs Council” from April 28, 2018, as promulgated by the announcement Yuan-Tai-Guei-Tzu No. 1070172574 made by the Executive Yuan on April 27, 2018.</p> <p>The mandates that belong to the “Council of Agriculture, Executive Yuan” as stipulated in Article 3; Article 4, subparagraph (13); Article 4, subparagraph (15), item i; Article 5; Article 6; Article 8; Article 9, paragraph 2; Article 10, paragraph 2; Article 11; Article 12; Article 13, paragraph 1, subparagraph (3), (4), (7), (9), (10), (13); Article 13, paragraph 2; Article 14, paragraph 2 and 3; Article 15; Article 16; Article 17, paragraph 2; Article 18, paragraph 1; Article 19; Article 20, paragraph 2; Article 21; Article 22, paragraph 1 and 3; Article 23, paragraph 1, 2, 4, 5; Article 24; Article 25, paragraph 1, 3, 4, 5, 6; Article 26; Article 27; Article 28; Article 29; Article 30, paragraph 1; Article 31; Article 32; Article 33; Article 34; Article 35, paragraph 1, 3, 4; Article 37, paragraph 1, 4, 5; Article 38, paragraph 3; Article 40; Article 44; and Article 45 shall be under the mandates of the “Ministry of Agriculture” from August 1, 2023, as promulgated by the announcement Yuan-Tai-Guei-Tzu No. 1125014346 made by the Executive Yuan on July 27, 2023.</p> <p>2. Article 3 and 47 amended, and Article 14-1 and 36-1 added, and promulgated on May 8, 2024 by Presidential Order Hua-Tsung (1) Jing-Tzu No. 11300037371, and became effective on the date of promulgation.</p> |
| Content : | <p>Chapter I General Principles</p> <p>Article 1 Act for Distant Water Fisheries (hereinafter referred to as “the Act”) is enacted to ensure the conservation of marine fisheries resources, strengthen distant water fisheries management, deter illegal, unreported, and unregulated (hereinafter referred to as IUU) fishing, and improve traceability of catch and fisheries products, so as to promote sustainable operations of distant water fisheries.</p> <p>Article 2 Matters related to distant water fisheries shall be governed by the Act. Matters not stipulated in the Act shall be governed by the Fisheries Act.</p> <p>Article 3 The competent authority of the Act is the Ministry of Agriculture.</p> <p>Article 4 Terms used in the Act are defined as follows: (1) “Fishing” means activities of searching for, attracting, or catching marine fisheries resources; transshipping, transporting, landing, storing,</p> |

processing, or packaging catch or fisheries products; or providing supply.

(2) "Fishing vessel" means any vessel used for the purpose of fishing.

(3) "Distant water fisheries" means using any fishing vessel to conduct fishing activities on the high seas or in internal waters, territorial seas, and the exclusive economic zones of other States (hereinafter referred to as "waters under national jurisdictions of other States").

(4) "Marine fisheries resources" means living marine resources that can be utilized in fisheries.

(5) "Distant water fisheries operator" means any person that operates distant water fisheries.

(6) "Distant water fisheries employee" means any crew member of a fishing vessel and any other person that catches, lands, or transships catch or fisheries products for any distant water fisheries operator.

(7) "Industry related to distant water fisheries" means relevant industry that engages in the processing, transporting, storing, purchasing, selling, selling on assignment, or export trade.

(8) "International fisheries organization" means any international fisheries management organization or regional or sub-regional fisheries management organization established in accordance with international conventions, treaties, or agreements in which the Republic of China (hereinafter referred to as "the ROC") participates.

(9) "Conservation and management measures" means Recommendations or Resolutions that are adopted by international fisheries organizations and are in force and binding for the conservation and management of marine fisheries resources.

(10) "Transshipment at sea" means transferring catch or fisheries products from a fishing vessel or a vessel to another fishing vessel or vessel in waters outside of port areas.

(11) "Transshipment in port" means transferring catch or fisheries products from a fishing vessel or a vessel to another fishing vessel or vessel in waters inside of port areas.

(12) "Landing in port" means landing catch or fisheries products in waters inside of port areas.

(13) "Observer" means any person dispatched by the competent authority, international fisheries management organizations, or States with which the fisheries cooperation is engaged to conduct observation, verification, data collection, sampling, and other relevant missions on board any fishing vessel.

(14) "Illegal fishing" means fishing activities:

i. conducted by national or foreign fishing vessel in waters under the jurisdiction of a State without the permission of that State, or in contravention of its laws and regulations;

ii. conducted by any fishing vessel flying the flag of States that are parties to a relevant international fisheries organization, but operate in contravention of conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or

iii. in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant international fisheries organization.

(15) "Unreported fishing" means fishing activities:

i. that have not been reported or have been misreported to the relevant national authority, in contravention of national laws and regulations; or

ii. undertaken in the area of competence of a relevant international fisheries organization that have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

(16) "Unregulated fishing" means fishing activities:

i. in the area of application of a relevant international fisheries organization that are conducted by fishing vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

ii. in areas or for fish stocks in relation to which there are no applicable conservation and management measures and where such fishing activities are conducted in a manner inconsistent with State

responsibilities for the conservation of living marine resources under international law.

(17) "Flag State" means a State whose flag a vessel flies or is entitled to fly.

(18) "Exclusive Economic Zone" means an area beyond and adjacent to the territorial sea and extending to a distance of 200 nautical miles from the baselines of the territorial sea.

Article 5

The competent authority shall formulate and publicize national plans of actions on the following matters, by applying the pre-cautionary principle, ecosystem-based approaches, and best available scientific advice and taking into consideration international conventions, treaties, agreements, and conservation and management measures:

(1) Conservation, management, utilization, and maintenance of maximum sustainable yield (MSY) of marine fisheries resources.

(2) Measures in response to the change of marine fisheries resources and marine ecosystem.

(3) Goals for sustainable operation, development strategies, and implementing steps for distant water fisheries.

(4) Measures to balance fishing capacity and marine fisheries resources.

(5) Measures to guide and subsidize distant water fisheries operators, distant water fisheries employees, and industry related to distant water fisheries, in response to the structure adjustment of distant water fisheries.

(6) Supervision and management system for distant water fisheries, and related human resources establishment and training.

(7) Training of human resources for distant water fisheries, and development of relevant technologies and equipment.

(8) Cooperation with other States and international fisheries organizations.

(9) Prevention, deterrence, and elimination of IUU fishing.

(10) Other matters for effective control and management of distant water fisheries.

Chapter II Distant Water Fisheries Permit and Management

Article 6

Any person with the nationality of the ROC that intends to engage in distant water fisheries shall obtain a fishing license pursuant to the Fisheries Act and apply to the competent authority for the issuance of a distant water fisheries permit.

Regulations on the qualifications for application, terms and conditions, required documents, application procedure, timeframe, the total allowable numbers and tonnages or fish hold capacities of fishing vessels, the total allowable catch, conditions for revocation, and other requirements of distant water fisheries permits as referred to in the preceding paragraph shall be prescribed by the competent authority.

Article 7

In case that any applicant as referred to in Article 6, paragraph 1 is under any of the following circumstances, the issuance of any distant water fisheries permit shall be denied:

(1) The applicant has no or is limited in capacity to make juridical acts.

(2) The applicant has become subject to an order of commencement of guardianship or assistance, and the order is not yet withdrawn.

(3) The applicant is declared bankrupt and has not yet resumed his/her rights.

(4) The applicant is sentenced imprisonment or a more severe punishment for violating the Act, the Fisheries Act, or the Act Governing the Investment and Operation of Non-Republic of China (ROC) Flagged Fishing Vessels and such sentence is not yet executed, not executed completely, or is on probation the period of which is not yet expired; or 2 years have not passed since such sentence is executed completely, on probation which is expired, or pardoned.

(5) The applicant is sentenced to a short-term imprisonment or criminal

fine for violating the Act, the Fisheries Act, or the Act Governing the Investment and Operation of Non-Republic of China (ROC) Flagged Fishing Vessels and such final sentence is not yet executed, not executed completely, or 2 years have not passed since such sentence is executed completely.

(6) The applicant operates any fishing vessel that is sentenced to revocation or withdrawal of fishing license pursuant to the Act or the Fisheries Act and 2 years have not passed since such sentence is executed completely.

(7) The fishing vessel that applies for a distant water fisheries permit is sentenced to a fine pursuant to the Act, the Fisheries Act, or the Act Governing the Investment and Operation of Non-Republic of China (ROC) Flagged Fishing Vessels and such fine is not paid completely.

(8) The fishing vessel that applies for a distant water fisheries permit is sentenced to suspension of its fishing license pursuant to the Act or the Fisheries Act, and such suspension is not executed completely.

Article 8

In any of the following circumstances, the competent authority shall deny the issuance of any distant water fisheries permit. For a distant water fisheries permit that has been issued, the competent authority shall adjust, limit, or revoke it:

(1) Where restrictions placed by conservation and management measures are changed.

(2) Where it is in response to the conclusion as a result of consultation between the ROC and other States or international fisheries organizations.

(3) Where it is subject to a voluntary or interim conservation and management measure adopted by an international fisheries organization under establishment.

(4) Where the country with which a fishing vessel engages in fisheries cooperation lacks mechanisms in controlling and managing foreign fishing vessels fishing in the waters under its national jurisdiction.

(5) Where the country with which a fishing vessel engages in fisheries cooperation is listed on the IUU fishing non-cooperating countries list or is subject to a letter of identification for more than 2 years by other States, international fisheries organizations, or other economic integrated organizations.

(6) Where it is necessary for the management of marine fisheries resources.

Article 9

Any fishing vessel of distant water fisheries shall be installed with a vessel monitoring system (hereinafter referred to as VMS) and an electronic logbook system (hereinafter referred to as E-logbook) before leaving ports.

Regulations on the management and guidance of the VMS and E-logbook as referred to in the preceding paragraph, the electronic navigational chart, and monitoring center shall be prescribed by the competent authority.

Article 10

Any fishing vessel of distant water fisheries shall comply with conservation and management measures and international standards for fishing on the high seas.

The competent authority shall prescribe regulations on the following matters with respect to the conservation and management measures and international standards for fishing on the high seas as referred to in the preceding paragraph:

(1) Fishing areas and seasons; and prohibited fishing areas and seasons.

(2) Fishing gears, methods, and mitigation measures for bycatch.

(3) Restriction(s) or prohibition(s) on catch species.

(4) Catch limits or quota.

(5) Filling in and submission of logbooks and catch reports.

(6) Marking of fishing vessels and fishing gears, and reporting of vessels positions.

(7) Disposal of catch.

(8) Designation and management of ports for landing or transshipment.

(9) Observation or inspection of fishing vessel operations.

- (10) Issuance of catch certificate documents.
 - (11) Publication and transparent management of data related to fishing vessels and fishing.
 - (12) Other matters concerning management of fishing vessel operations.
- Regulations on the matters as referred to in the preceding subparagraphs shall be periodically reviewed in accordance with the needs of distant water fisheries operations.

Article 11

Any fishing vessel of distant water fisheries shall not conduct transshipment in port or at sea or landing in port without authorization from the competent authority.

The competent authority may dispatch personnel or commission professional institution(s) to conduct on-site inspections on the operations as referred to in the preceding paragraph, and any subject for the inspection shall not refuse, evade, or obstruct the inspection.

Regulations on the qualifications for application, terms and conditions, required documents, application procedures, matters to be reported and reporting procedures for transshipment at sea or in port or landing in port, inspection, conditions for revocation, and other requirements of the authorization as referred to in paragraph 1 shall be prescribed by the competent authority.

Article 12

Any fishing vessel shall not enter waters under national jurisdictions of other States for fishing. Notwithstanding this provision, for any fishing vessel that has obtained authorization from other State(s) and has been approved by the ROC competent authority to engage in fisheries cooperation may fish in the exclusive economic zone(s) of other States.

Any distant water fisheries operator and distant water fisheries employee of the fishing vessel as referred to in the preceding paragraph shall comply with the terms and conditions for approval from the ROC competent authority and relevant regulations of the State(s) with which the fisheries cooperation is engaged, and shall not evade, obstruct, or deny inspection conducted by the State(s) with which the fisheries cooperation is engaged. Regulations on the qualifications for application, terms and conditions, required documents, application procedures, validity of approval, conditions for revocation of approval, items of fisheries activities, manners of cooperation, and other requirements of the approval as referred to in paragraph 1 shall be prescribed by the competent authority.

Article 13

Any person with the nationality of the ROC shall not conduct any of the following serious infringements:

- (1) Conducting distant water fisheries without a fishing license or distant water fisheries permit as referred to in Article 6, paragraph 1, or conducting distant water fisheries during the period of the execution of suspension of a fishing license.
- (2) Leaving ports without installing VMS or E-logbook system onboard, in violation of Article 9, paragraph 1.
- (3) Conducting transshipment at sea or in port or landing in port without authorization from the competent authority, in violation of Article 11, paragraph 1.
- (4) Engaging in fisheries cooperation without approval from the competent authority and fishing in waters under national jurisdictions of other States, in violation of Article 12, paragraph 1.
- (5) Falsifying, altering, or concealing Chinese/English vessel names, names of registry ports, CT numbers, or international radio call signs.
- (6) Intentionally causing a VMS to misreport vessel positions or rendering VMS non-functional when fishing.
- (7) Continuing catching species with catch limit when the total catch of such species of a fishing vessel has exceeded 20 percent of the quota allowed by the competent authority pursuant to the regulations prescribed in accordance with Article 10, paragraph 2, subparagraph (4).
- (8) Fishing in prohibited fishing areas or seasons.
- (9) Using fishing gears as prohibited by the competent authority.

- (10) Engaging in any fishery that is not authorized by the competent authority.
- (11) Fishing for, retaining, transshipping, landing, or selling prohibited species.
- (12) Not submitting or filling in logbooks or catch reports, in violation of the regulations prescribed in accordance with Article 10, paragraph 2, or seriously misreporting logbooks or catch reports.
- (13) Refusing, evading, or obstructing any observer dispatched by the competent authority, any international fisheries organization, or a State with which the fisheries cooperation is engaged for conducting observation tasks.
- (14) Refusing, evading, or obstructing any inspection as referred to in Article 11, paragraph 2; Article 12, paragraph 2; Article 16; Article 17, paragraph 1; or Article 25, paragraph 1; or any audit conducted pursuant to the regulations prescribed in accordance with Article 25, paragraph 4.
- (15) Falsifying, altering, destroying, or concealing any evidence related to a violation of the Act.
- (16) Providing catch certificate documents of a fishing vessel for the use of catch of other fishing vessel(s), or using catch certificate documents of other fishing vessel(s) for selling catch caught by itself.
- (17) Falsification or alteration of catch certificate documents, using catch certificate documents not issued to the catch concerned, or intentionally using catch certificate documents that are falsified or altered to sell catch or fisheries products.
- (18) Participating in joint fishing with, transshipping with, or supplying any fishing vessel listed on IUU fishing vessel lists of international fisheries organizations or any stateless vessel.
- (19) Trading (purchasing, selling, marketing, etc.) or processing catch or fisheries products with the knowledge that such catch or fisheries products originate from any of the following circumstances:
- i. Any circumstances as stipulated in subparagraph (1) to the preceding subparagraph of this Article; or
 - ii. Catch is caught by any fishing vessel listed in IUU fishing vessel lists of international fisheries organizations
- The prohibited fishing seasons and areas as referred to in subparagraph (8), the prohibited fishing gears as referred to in subparagraph (9), the prohibited species as referred to in subparagraph (11), and the IUU fishing vessel lists as referred to in subparagraph (18) and item ii of subparagraph (19) of the preceding paragraph shall be announced by the competent authority.

Article 14

In addition to the serious infringements as stipulated in Article 13, paragraph 1, any person with the nationality of the ROC shall not engage in or support IUU fishing.

In the event that a person with the nationality of the ROC employed on board any foreign flagged fishing vessel is suspected to be involved in IUU fishing as referred to in the preceding paragraph, the competent authority shall, without prejudice to the sovereignty of the flag State, take appropriate measures to prevent IUU fishing.

The competent authority shall cooperate with international fisheries organizations or other States to prevent and deter any person with the nationality of the ROC from engaging in or supporting IUU fishing.

Article 14-1

Any catch or fisheries product that is involved in IUU fishing activities shall not be imported.

For the catch or fisheries product as referred to in the preceding paragraph, item(s) and information related to the transportation or harvesting thereof are announced by the competent authority.

In the event that any international treaty, agreement, United Nations resolution, or international cooperation calls for it, or for the purpose of combating IUU fishing activities, the competent authority may announce the prohibition of importation of some or all catch or fisheries products from certain nation(s) or area(s). Upon the disappearance of the reason(s) for importation prohibition, the competent authority shall announce the

lift of such prohibition forthwith.

Article 15

For the purpose of fisheries management or submission of relevant data of individual fishing vessel to relevant international fisheries organizations, the competent authority may require distant water fisheries operators, distant water fisheries employees, or data holders to provide information on catch quantities, fishing area(s), fishing period(s), fishing gear(s), fishing method(s), vessel positions, operational level data, transshipment, landing, selling, and other relevant information. Distant water fisheries operators, distant water fisheries employees, or data holders shall not refuse such requirement.

Article 16

The competent authority or the Coast Guard Administration may, pursuant to their mandates, dispatch personnel to inspect fishing vessels, catch and fisheries products, fishing gears, account books, and other objects, as well as to question distant water fisheries operators, distant water fisheries employees, or data holders. Distant water fisheries operators, distant water fisheries employees, or data holders shall not refuse, evade, or obstruct such requirement.

Article 17

Any fishing vessel fishing on the high seas shall accept boarding and inspections conducted by inspectors from vessels designated by the States that conduct reciprocal high seas boarding and inspections with the ROC or from vessels designated by international fisheries organizations, and distant water fisheries operators and employees shall not evade, obstruct, or refuse such inspections. The international fisheries organizations or States that conduct reciprocal high seas boarding and inspections with the ROC and the names and registration numbers of the designated vessels as referred to in the preceding paragraph shall be announced by the competent authority.

Article 18

In the event that sufficient and concrete evidence indicates a fishing vessel being involved in any serious infringement as stipulated in Article 13, paragraph 1, the competent authority shall order such fishing vessel to stop fishing and navigate to a designated port within required timeframe for further inspection. Expenses incurred from navigation, port entry, inspection, and other activities by the fishing vessel as referred to in the preceding paragraph shall be borne by the distant water fisheries operator concerned.

Article 19

The competent authority shall immediately conduct an inspection upon the fishing vessel's entry into the designated port in accordance with paragraph 1 of the preceding Article and shall complete the investigation within 30 days upon such vessel's port entry. If necessary, the period for the investigation may be extended for once and shall be limited to 30 days. The fishing vessel concerned shall not leave the designated port before the competent authority completes the investigation pursuant to the preceding paragraph.

Article 20

In case of any of the following circumstances, a fishing vessel shall not leave a port:

- (1) The fishing vessel whose fishing license is revoked.
- (2) The fishing vessel whose fishing license is suspended and is still during the period of punishment.

In case that a fishing vessel has left the port before the suspension or revocation of its fishing license is imposed upon it by the competent authority pursuant to Article 35, paragraph 3; Article 36, paragraphs 1 and 3; Article 40, paragraph 2; Article 41, paragraphs 1 and 2; or Article 42, paragraph 3, the competent authority shall order such fishing vessel to

navigate to a designated port within the required timeframe.

Article 21

For any fishing vessel that leaves a port against the provisions stipulated in Article 9, paragraph 1; Article 19, paragraph 2; and Article 20, paragraph 1, the competent authority may commission coast guard authorities to take appropriate measures to stop such fishing vessel from leaving the port. In case that such fishing vessel resists, the coast guard authorities may take compulsory measures. For such fishing vessel that has already left a port, the competent authority shall order such fishing vessel to navigate to a designated port within the required timeframe.

Article 22

Any foreign flagged fishing vessel that intends to enter into ports of the ROC shall obtain permission from the competent authority, in addition to complying with regulations of shipping administration, customs, sanitary, immigration, inspection, quarantine, and coast guard. In case of force majeure or distress, port entry of such fishing vessel may be granted after notification.

In any of the following circumstances, any fishing vessel as referred to in the preceding paragraph shall be denied from port entry:

- (1) The fishing vessel is listed on the IUU vessel lists of other States, international fisheries organizations, or other regional economic integrated organizations.
- (2) The flag State of the fishing vessel is identified as IUU fishing non-cooperating country or is subject to a letter of identification for more than 2 years by other States, international fisheries organizations, or other regional economic integrated organizations.
- (3) The fishing vessel is involved in IUU fishing.
- (4) Where there is written request from the flag State to prohibit the fishing vessel from port entry.
- (5) Where the fishing vessel is stateless.

Regulations on the qualifications for application, terms and conditions, required documents, procedures for application, conditions on revocation, advance notifications of landing, areas and times for landing, management, and other requirements of the permission as referred to in paragraph 1 shall be prescribed by the competent authority.

Article 23

The competent authority may dispatch personnel to fishing vessels as referred to in the preceding Article, relevant offices, storages, or other sites to inspect catch or fisheries products, account books, and other objects, as well as to question any relevant party who shall not refuse, evade, or obstruct the inspection or inquiry. If necessary, such inspection may be conducted by the competent authority together with official(s) from coast guard authorities or police authorities. The course of the inspection shall be recorded and filed for reference.

In case that there is sufficient evidence indicating that a fishing vessel has conducted or supported IUU fishing after the inspection as referred to in the preceding paragraph, the competent authority shall deny such fishing vessel from unloading, transshipment, packaging, processing of catch, refueling, supplying, maintenance, or using other port services, and prohibit such fishing vessel from leaving a port. Notwithstanding this provision, the activities of supplying crew members for maintenance of basic living needs shall be exempted.

When carrying out an inspection, the personnel as referred to in paragraph 1 shall present his/her identification document and the authorization specifying the scope of the inspection. In case that such personnel fail to do so, any person being inspected may refuse the inspection.

Information related to the result of the inspection as referred to in paragraph 2 shall be notified to the flag State of the fishing vessel concerned, relevant States, and international fisheries organizations by the competent authority.

In case that the competent authority has made the notification pursuant to the preceding paragraph and does not receive within 60 days the written request from the flag State, relevant States or international fisheries

organizations as referred to in the preceding paragraph, or an agreement is not reached after bilateral consultations, it may order the fishing vessel concerned to leave the port within the required timeframe.

Article 24

In case that any distant water fisheries operator is under any of the following circumstances, the competent authority shall categorize his/her fishing vessel(s) as high risk fishing vessel(s), and shall implement special management measures:

(1) Any serious infringement as stipulated in Article 13, paragraph 1, is conducted by the distant water fisheries operator.

(2) Fines accumulated 2 million New Taiwan Dollars or above within 3 years have been imposed upon the distant water fisheries operator for violating the Act.

(3) The accumulated period of suspension of any fishing license is 3 months or above for violating the Act, and 3 years have not passed since such punishment is executed completely.

Regulations on fisheries cooperation limitations, dispatch of observers, reporting frequency of vessel positions, catch reporting, landing inspections, transshipment limitations, duration of special management, and other requirements provided in the special management measures as referred to in the preceding paragraph shall be prescribed by the competent authority.

In case that the concerned distant water fisheries operator of any high risk fishing vessel as referred to in paragraph 1 is changed, the competent authority shall still implement the special management measures in accordance with the regulations as referred to in the preceding paragraph on such fishing vessel.

Article 25

The competent authority may dispatch personnel to vessels, offices, storages, or other relevant sites of the industry related to distant water fisheries to inspect catch or fisheries products, account books, and other objects, as well as to question any relevant party who shall not refuse, evade, or obstruct the inspection or inquiry. If necessary, such inspection may be conducted by the competent authority together with official(s) from coast guard authorities or police authorities. The course of inspection shall be recorded and filed for reference.

When carrying out an inspection, the personnel as referred to in the preceding paragraph shall present his/her identification document and the authorization specifying the scope of the inspection. In case that the personnel fail to do so, any person being inspected may refuse the inspection.

Industry related to distant water fisheries that intends to conduct export trade of catch or fisheries products of distant water fisheries shall establish codes of conduct and operating procedures for purchase and sales of catch or fisheries products and submit them to the competent authority for prior approval.

Regulations on the qualifications of applicants as referred to in the preceding paragraph, species of catch or fisheries products, required documents, conditions for approval and revocation, declarations, write-off of sales, and audit of purchasing and selling, and other requirements shall be prescribed by the competent authority.

The application of issuance of catch certificate documents shall only be conducted by industry related to distant water fisheries that has obtained approval from the competent authority to conduct export trade of catch or fisheries products of distant water fisheries pursuant to paragraph 3.

Regulations on the application procedures, terms and conditions, required documents, write-off of sales, and other requirements shall be prescribed by the competent authority.

Article 26

Any distant water fisheries operator intending to employ overseas any foreign crew member shall obtain permission from the competent authority. Such employment shall be done by the distant water fisheries operator him/herself or through domestic intermediaries or agents (hereinafter

referred to as “recruitment agents”).
Recruitment agents as referred to in the preceding paragraph shall be authorized by the competent authority and shall deposit a certain amount of security deposit.

Regulations on the qualifications of foreign crew members, conditions for permission, required documents, rights and interests of distant water fisheries operators and foreign crew members, contents of contracts, conditions for authorization of recruitment agents, period, management, conditions for revocation, rights and interests of recruitment agents and foreign crew members, contents of contracts, management responsibilities, the certain amount, submission, and refund of the security deposit, and other requirements as referred to in the preceding two paragraphs shall be prescribed by the competent authority.

Article 27

To strengthen the management of distant water fisheries and to promote the cooperation with other States or international fisheries organizations, the competent authority shall assign and dispatch staff stationed abroad responsible for fisheries.

Article 28

The competent authority shall establish an integrated comprehensive information system on distant water fisheries to strengthen the management of distant water fisheries.

Article 29

The competent authority may commission professional institution(s) to conduct the following matters:

- (1) Providing advice and guidance on distant water fisheries.
- (2) Monitoring and management of vessel positions.
- (3) Development and management of E-logbook reporting software.
- (4) Collection, statistics, analysis, and utilization of catch data.
- (5) Transshipment in port or landing in port inspections.
- (6) Dispatch of observers.
- (7) Assisting fisheries associations to implement fisheries management policies and measures prescribed by the competent authority.

Chapter III The Development and Guidance on Distant Water Fisheries

Article 30

The competent authority shall formulate distant water fisheries development plan(s) and oversee the implementation thereof.

The formulation of the plan(s) as referred to in the preceding paragraph shall take into account fisheries production, livelihood of fishermen, and marine ecology, so as to develop a sustainable operating system for Taiwan distant water fisheries.

Article 31

For any distant water fisheries operator who intends to conduct exploratory fishing to develop new fishing gear(s), fishing method(s), or fishing ground(s), such operator shall submit an exploratory fishing plan and apply to the competent authority for permission.

The competent authority may require the distant water fisheries operator as referred to in the preceding paragraph to conduct the exploratory fishing with a designated research institute.

Regulations on the qualifications of the distant water fisheries operator as referred to in paragraph 1, terms and conditions, contents of the plan on exploratory fishing, conditions for permission, period(s), conditions for revocation, management, and other requirements shall be prescribed by the competent authority.

Article 32

The competent authority may assist private sectors to conduct the following matters:

- (1) Negotiations related to distant water fisheries or conclusion of agreements with other States, international fisheries organizations, or

- foreign organizations or institutes related to fisheries.
- (2) Exchange of international information, technology, and human resources related to distant water fisheries.
 - (3) Standardization of international technology, joint research and cooperation on technology related to distant water fisheries.
 - (4) Holding international academic meetings or exhibitions related to distant water fisheries.
 - (5) Research on overseas markets for fisheries products, or the dissemination of information related to distant water fisheries.
 - (6) Training of native or foreign crew members, officers, or observers.
 - (7) Other international cooperation matters related to distant water fisheries.

Article 33

To encourage distant water fisheries operators to introduce and implement new technology and new technique related to conserving marine ecosystem environment or sustainable operations of distant water fisheries, the competent authority may give appropriate financial aid depending on financial situations of the government.

Article 34

To promote the development of research on science and technology related to distant water fisheries, the competent authority may conduct the following matters:

- (1) International cooperation on research and assessment on marine fisheries resources.
- (2) Exploitation of new fishing grounds.
- (3) Research on marine fisheries biodiversity.
- (4) Research and evaluation on sustainable operations of distant water fisheries.

Chapter IV Penal Provisions

Article 35

Any person who commits any of the following violations shall be subject to imprisonment of 3 years or under, or in lieu thereof or in addition thereto, a criminal fine of 6 million to 30 million New Taiwan Dollars:

- (1) Not navigating to the designated port within the required timeframe set by the competent authority pursuant to Article 18, paragraph 1 or Article 20, paragraph 2; or
- (2) Navigating a fishing vessel out of a port in violation of Article 21, and not navigating to the designated port within the required timeframe set by the competent authority.

In case that a representative of any legal person, or an agent, employee, or other person engaged in the relevant business activities of a legal or natural person commits the violations as stipulated in the preceding paragraph in the performance of their duties, in addition to punishing the offender(s), a criminal fine as referred to in the preceding paragraph shall also be imposed upon the legal or natural person concerned.

In case that a distant water fisheries operator or a distant water fisheries employee commits, for the first time, any of the violations as stipulated in paragraph 1, the competent authority may suspend the fishing license of the distant water fisheries operator for 2 years or under, or revoke the fishing license. In case that a distant water fisheries operator whose fishing license has been suspended for violating the provisions as stipulated in paragraph 1 commits, for the second time, any of the violations as stipulated in paragraph 1, the fishing license shall be revoked.

The competent authority may impose on any distant water fisheries employee that commits, for the first time, any of the violations as stipulated in paragraph 1 the suspension of Fishing Vessel Crew Identification and Certificate of Fishing Vessel Officers for 2 years or under or revocation. In case that a distant water fisheries employee whose Fishing Vessel Crew Identification and the Certificate of Fishing Vessel Officers have been suspended for violating the provisions as stipulated in paragraph 1 commits, for the second time, any of the violations as stipulated in

paragraph 1, the Fishing Vessel Crew Identification and the Certificate of Fishing Vessel Officers shall be revoked.

Article 36

In case that any distant water fisheries operator or distant water fisheries employee commits any of the serious infringements as stipulated in Article 13, paragraph 1, a fine shall be imposed upon the distant water fisheries operator concerned in accordance with the following provisions, and the concerned fishing license may be suspended for 2 years or under or be revoked:

(1) For any fishing vessel 500 Gross Tonnage (GT) or above: a fine between 6 million and 30 million New Taiwan Dollars.

(2) For any fishing vessel 100 GT or above, and less than 500 GT: a fine between 4 million and 20 million New Taiwan Dollars.

(3) For any fishing vessel 50 GT or above, and less than 100 GT: a fine between 2 million and 10 million New Taiwan Dollars.

(4) For any fishing vessel less than 50 GT: a fine between 1 million and 5 million New Taiwan Dollars.

In case that the value of catch or fisheries products concerned exceeds the fine imposed pursuant to the provisions as stipulated in the preceding paragraph, an amount of a fine for up to 5 times of the value of such catch or fisheries products shall be imposed.

In case that any distant water fisheries operator or distant water fisheries employee commits the same provision of serious infringement as stipulated in Article 13, paragraph 1 for 2 times within 3 years, or different serious infringements as stipulated in Article 13, paragraph 1 for 3 times within 3 years, a fine shall be imposed upon the distant water fisheries operator concerned in accordance with the following provisions and the concerned fishing license shall be suspended between 2 and 3 years or be revoked:

(1) For any fishing vessel 500 GT or above: a fine between 9 million and 45 million New Taiwan Dollars.

(2) For any fishing vessel 100 GT or above, and less than 500 GT: a fine between 6 million and 30 million New Taiwan Dollars.

(3) For any fishing vessel 50 GT or above, and less than 100 GT: a fine between 3 million and 15 million New Taiwan Dollars.

(4) For any fishing vessel less than 50 GT: a fine between 1.5 million and 7.5 million New Taiwan Dollars.

In case that the value of catch or fisheries products concerned exceeds the fine imposed pursuant to the provisions as stipulated in the preceding paragraph, an amount of a fine for up to 8 times of the value of such catch or fisheries products shall be imposed.

In case that any distant water fisheries employee who commits any of the serious infringements as stipulated in Article 13, paragraph 1, a fine shall be imposed upon the distant water fisheries employee concerned in accordance with the following provisions, and the concerned Fishing Vessel Crew Identification and Certificate of Fishing Vessel Officers may be suspended for 2 years or under or be revoked:

(1) For any fishing vessel 500 GT or above: a fine between 1.2 million and 6 million New Taiwan Dollars.

(2) For any fishing vessel 100 GT or above, and less than 500 GT: a fine between 800 thousand and 4 million New Taiwan Dollars.

(3) For any fishing vessel 50 GT or above, and less than 100 GT: a fine between 400 thousand and 2 million New Taiwan Dollars.

(4) For any fishing vessel less than 50 GT: a fine between 200 thousand and 1 million New Taiwan Dollars.

In case that any distant water fisheries employee commits the same provision of serious infringement as stipulated in Article 13, paragraph 1 for 2 times within 3 years, or different serious infringements as stipulated in Article 13, paragraph 1 for 3 times within 3 years, a fine shall be imposed upon the distant water fisheries employee concerned in accordance with the following provisions and the concerned Fishing Vessel Crew Identification and Certificate of Fishing Vessel Officers shall be revoked:

(1) For any fishing vessel 500 GT or above: a fine between 1.8 million and 9 million New Taiwan Dollars.

- (2) For any fishing vessel 100 GT or above, and less than 500 GT: a fine between 1.2 million and 6 million New Taiwan Dollars.
- (3) For any fishing vessel 50 GT or above, and less than 100 GT: a fine between 600 thousand and 3 million New Taiwan Dollars.
- (4) For any fishing vessel less than 50 GT: a fine between 300 thousand and 1.5 million New Taiwan Dollars.

The value of catch or fisheries products as referred to in paragraphs 2 and 4 shall be calculated based on the average prices of such catch or fisheries products in domestic fish markets in the preceding 3 years.

Article 36-1

For any of the following violations, a fine of 6 million New Taiwan Dollars to 30 million New Taiwan Dollars shall be imposed:

- (1) Importing any catch or fisheries product that is involved in IUU fishing activities, in violation of Article 14-1, paragraph 1.
- (2) Importing any catch or fisheries product from the certain nation(s) or area(s) announced by the competent authority, in violation of Article 14-1, paragraph 3.

In case that any of the violation stipulated in the preceding paragraph is committed for 2 times within 1 year, a fine of 9 million New Taiwan Dollars to 45 million New Taiwan Dollars shall be imposed.

Article 37

In case that any foreign flagged fishing vessel conducts any of the following activities, the offender(s) shall be subject to a fine between 6 million and 30 million New Taiwan Dollars:

- (1) Violating Article 22, paragraph 1, for entering ports of the ROC without the permission from the competent authority.
- (2) Evading, obstructing, or refusing any inspection conducted by the competent authority pursuant to Article 23, paragraph 1, or refusing to answer to any inspector's queries, or making false statement.

In case that any foreign flagged fishing vessel commits the same provision of violation as referred to in the preceding paragraph for 2 times within 3 years, or different violations as referred to in the preceding paragraph for 3 times within 3 years, a fine between 9 million and 45 million New Taiwan Dollars shall be imposed upon the offender(s).

In case that any foreign flagged fishing vessel violates the regulations prescribed pursuant to Article 22, paragraph 3 concerning the advance notifications of landing, areas and times for landing, management, and other requirements, a fine between 500 thousand to 2.5 million New Taiwan Dollars shall be imposed upon the offender(s).

In case that the fine imposed pursuant to the preceding three paragraphs is not paid within the timeframe, the competent authority may prohibit the fishing vessel from port departure. Notwithstanding this provision, in case that equivalent collateral has been provided, the prohibition of port departure may be exempted.

In case that a vessel is found to be a stateless vessel after an inspection conducted by the competent authority pursuant to Article 23, paragraph 1, such vessel and its catch and fisheries products shall be confiscated and the catch and fisheries products shall be destroyed.

Article 38

Industry related to distant water fisheries that commits any of the following violations shall be subject to a fine between 6 million and 30 million New Taiwan Dollars:

- (1) Conducting export trade of catch or fisheries products of distant water fisheries without prior approval, in violation of Article 25, paragraph 3.
- (2) Conducting any serious infringement as stipulated in subparagraphs (11), (14), (15), and (17) to (19) of Article 13, paragraph 1.

Industry related to distant water fisheries that conducts export trade of catch or fisheries products of distant water fisheries violates the regulations on declarations and write-off of sales of catch or fisheries products as prescribed pursuant to Article 25, paragraph 4 shall be subject to a fine between 2 million and 10 million New Taiwan Dollars.

In case that industry related to distant water fisheries violates any provisions as stipulated in subparagraph (2) of paragraph 1 or in the

preceding paragraph, the competent authority shall suspend its export qualification of catch and fisheries products of distant water fisheries for 2 years or under, or revoke the qualification.

In case that the value of catch or fisheries products concerned exceeds the fine imposed pursuant to paragraph 1 or 2, an amount of a fine for up to 5 times of such catch or fisheries products shall be imposed.

In case that industry related to distant water fisheries commits the same violation as stipulated in subparagraph (1) of paragraph 1, or the same provision of serious infringement as stipulated in subparagraph (2) of paragraph 1, for 2 times within 3 years, or commits any violations as stipulated in paragraph 1 for 3 times within 3 years, a fine between 9 million and 45 million New Taiwan Dollars shall be imposed, and the export qualification of catch and fisheries products of distant water fisheries shall be suspended between 2 and 3 years, or be revoked.

In case that the value of catch or fisheries products concerned exceeds the fine imposed pursuant to the preceding paragraph, an amount of a fine for up to 8 times of the value of such catch or fisheries products shall be imposed.

The value of catch or fisheries products as referred to in paragraphs 4 and 6 shall be calculated based on the average prices of such catch or fisheries products in domestic fish markets in the preceding 3 years.

Article 39

Any person with the nationality of the ROC, except for a distant water fisheries operator, a distant water fisheries employee, and industry related to distant water fisheries, that commits any of the serious infringements as stipulated in Article 13, paragraph 1 shall be subject to a fine between 3 million and 15 million New Taiwan Dollars. Any person with the nationality of the ROC, except for a distant water fisheries operator, a distant water fisheries employee, and industry related to distant water fisheries, that violates Article 14, paragraph 1 shall be subject to a fine between 2 million and 10 million New Taiwan Dollars.

Any person with the nationality of the ROC, except for a distant water fisheries operator, a distant water fisheries employee, and industry related to distant water fisheries, that commits the same provision of the serious infringement as stipulated in Article 13, paragraph 1 for 2 times within 3 years, or different serious infringements as stipulated in Article 13, paragraph 1 for 3 times within 3 years, shall be subject to a fine between 4.5 million and 22.5 million New Taiwan Dollars. Any person with the nationality of the ROC, except for a distant water fisheries operator, a distant water fisheries employee, and industry related to distant water fisheries, that violates Article 14, paragraph 1 for 3 times within 3 years shall be subject to a fine between 3 million and 15 million New Taiwan Dollars.

Article 40

Any person that refuses to provide information required by the competent authority pursuant to Article 15 shall be subject to a fine between 2 million and 10 million New Taiwan Dollars. Any person that commits such violation for 2 times within 1 year shall be subject to a fine between 3 million and 15 million New Taiwan Dollars.

Any distant water fisheries operator or distant water fisheries employee that refuses to provide information required by the competent authority pursuant to Article 15 shall be subject to suspension of the concerned fishing license of such distant water fisheries operator for 2 years or under, or revocation of the concerned fishing license. Any distant water fisheries operator or distant water fisheries employee that commits such violation for 2 times within 1 year shall be subject to suspension of the concerned fishing license of such distant water fisheries operator between 2 and 3 years or revocation of the concerned fishing license.

Any distant water fisheries employee that refuses to provide information required by the competent authority pursuant to Article 15 shall be subject to suspension of the concerned Fishing Vessel Crew Identification and Certificate of Fishing Vessel Officers for 2 years or under, or revocation of the concerned Fishing Vessel Crew Identification and Certificate of Fishing Vessel Officers. Any distant water fisheries employee whose Fishing

Vessel Crew Identification and Certificate of Fishing Vessel Officers have been suspended for refusing to provide information required by the competent authority pursuant to Article 15 commits such violation for 2 times within 1 year shall be subject to revocation of the concerned Fishing Vessel Crew Identification and Certificate of Fishing Vessel Officers.

Article 41

In case that any distant water fisheries operator or distant water fisheries employee commits any of the following violations, such distant water fisheries operator shall be subject to a fine between 500 thousand and 2.5 million New Taiwan Dollars, and the concerned fishing license may be suspended for 2 years or under, or be revoked:

(1) Violating provisions of the regulations concerning the management of fishing vessels as stipulated pursuant to Article 10, paragraph 2, except for those belonging to the serious infringements.

(2) Violating provisions of the regulations concerning matters to be reported, reporting procedures, or inspections of transshipment and landing in port as stipulated pursuant to Article 11, paragraph 3.

(3) Violating provisions of the regulations concerning items of fishing activities and manners of cooperation as stipulated pursuant to Article 12, paragraph 3.

(4) Violating provisions of the regulations concerning the special management measures on fisheries cooperation limitations, reporting frequency of vessel positions, catch reporting, landing inspections, and transshipment limitations as stipulated pursuant to Article 24, paragraph 2.

(5) Violating provisions of the regulations concerning conditions for permission, period(s), and management as stipulated pursuant to Article 31, paragraph 3.

Any distant water fisheries operator or distant water fisheries employee that commits the same violation as stipulated in the preceding paragraph for 2 times within 1 year, or commits different violations as stipulated in the preceding paragraph for 3 times within 1 year shall be subject to a fine between 750 thousand and 3.75 million New Taiwan Dollars, and the concerned fishing license of the distant water fisheries operator may be suspended for 2 years or under or be revoked.

Any distant water fisheries employee who commits any of the violations as referred to in paragraph 1 shall be imposed upon a fine between 100 thousand and 500 thousand New Taiwan Dollars and the concerned Fishing Vessel Crew Identification and Certificate of Fishing Vessel Officers may be suspended for 2 years or under, or be revoked.

Any distant water fisheries employee that commits the same violation as stipulated in paragraph 1 for 2 times within 1 year, or commits different violations as stipulated in paragraph 1 for 3 times within 1 year shall be subject to a fine between 150 thousand and 750 thousand New Taiwan Dollars, and the concerned Fishing Vessel Crew Identification and Certificate of Fishing Vessel Officers may be suspended for 2 years or under or be revoked.

Article 42

Any person that recruits foreign crew members as a recruitment agent without authorization shall be subject to a fine between 4 million and 20 million New Taiwan Dollars.

Any recruitment agent that violates provisions of the regulations on rights and interests of recruitment agents, distant water fisheries operators, and foreign crew members, contents of contracts, or management responsibilities as stipulated pursuant to Article 26, paragraph 3 shall be subject to a fine between 1 million and 5 million New Taiwan Dollars. The qualification for such agent may be revoked and the security deposit may be confiscated.

Any distant water fisheries operator that commits any of the following violations shall be subject to a fine between 50 thousand and 250 thousand New Taiwan Dollars, and the concerned fishing license of such distant water fisheries operator may be suspended for 1 year or under:

(1) Employing overseas any foreign crew member without the permission from the competent authority, in violation of Article 26, paragraph 1.

(2) Violating provisions of the regulations on rights and interests of distant water fisheries operators and foreign crew members, contents of contracts, or management responsibilities as stipulated pursuant to Article 26, paragraph 3.

Article 43

In addition to the penalties imposed pursuant to Article 36, paragraphs 1 and 2; Article 38, paragraphs 1, 2 and 4; Article 39, paragraph 1; and Article 41, paragraph 1, the concerned catch or fisheries products caught, transshipped, purchased or sold, or sold on assignment, or fishing gears involved may also be confiscated, regardless of the ownership.

In addition to the penalties imposed pursuant to Article 36, paragraphs 3 and 4; Article 38, paragraphs 5 and 6; Article 39, paragraph 2; and Article 41, paragraph 2, the concerned catch or fisheries products caught, transshipped, purchased or sold, or sold on assignment, or fishing gears involved shall be confiscated, regardless of the ownership.

In addition to the punishments imposed pursuant to Article 36, the concerned fishing vessels that caught or transshipped may also be confiscated, regardless of the ownership.

In case that the whole or part of such catch, fisheries products, fishing gears, or fishing vessels as referred to in the preceding three paragraphs cannot be confiscated, the value of such catch, fisheries products, fishing gears or fishing vessels shall be collected.

Article 44

In the event that a fishing vessel confiscated pursuant to the provisions stipulated in Article 43 is listed on a IUU fishing vessel list of any international fisheries organization, the competent authority may apply to shipping authorities for re-registry of its ownership, followed by revocation of its registration and cancel of its certificate of nationality.

In the event that a fishing vessel whose fishing license was withdrawn pursuant to the Fisheries Act before the Act becomes effective and which is listed on a IUU fishing vessel list of any international fisheries organization fails to comply with the order of the competent authority to return to domestic ports within required timeframe, the competent authority may confiscate such fishing vessel, and apply to shipping authorities for re-registry of its ownership, followed by revocation of its registration and cancel of its certificate of nationality.

Article 45

The competent authority may announce names, ID numbers, addresses of persons or companies, and Chinese/English names and CT numbers of vessels that are being punished pursuant to Article 35, paragraphs 3 and 4, and Articles 36 to 41, and violations being committed.

Chapter V Supplemental Provisions

Article 46

Any person that has obtained pursuant to the Fisheries Act a permit to fish on the high seas or in the exclusive economic zones of other States before the Act becomes effective shall be deemed, during the validity of such permit, as having obtained the distant water fisheries permit as referred to in Article 6, paragraph 1.

Any person that has obtained pursuant to the Fisheries Act an authorization to engage in fisheries cooperation with other State(s) before the Act becomes effective shall be deemed, during the validity of such authorization, as having obtained the approval as referred to in Article 12, paragraph 1.

Industry related to distant water fisheries that has engaged in the export trade of catch or fisheries products of distant water fisheries before the Act becomes effective shall apply for authorization within 2 months from the date that the regulations prescribed pursuant to Article 25, paragraph 4 become effective. Failing to apply within the timeframe or exporting catch or fisheries products of distant water fisheries without authorization shall be punished pursuant to Article 38.

Any distant water fisheries operator that has been permitted to employ overseas any foreign crew member pursuant to the Fisheries Act before the Act becomes effective shall be deemed, after the Act becomes effective, as having obtained the permission pursuant to Article 26, paragraph 1 to employ overseas foreign crew members.

Article 47

The Act shall become effective 6 months after its promulgation.

Amendments to the Act shall become effective on the date of promulgation.

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