


Content

Title :	Regulations on the Management of Fishing Vessels and Crews in Foreign Fishing Bases 
Date :	2010.07.28
Legislative :	<p>Promulgated by the Ministry of Economic Affairs on 22 July 1968, under Order No. Jin-Tai (57) Nun-Tzu 25623</p> <p>Amended in title and full text, and promulgated by the Council of Agriculture, Executive Yuan on 30 October 1989, under Order No. (78) Nun-Yu-Tzu 8144799A. (Original Title: Regulations on Managing Taiwan Area Deep Sea Fishing Vessels and Crews Operating in Foreign Bases)</p> <p>Amended in title and full text, and promulgated by the Council of Agriculture, Executive Yuan on 27 January 1992, under Order No. (81) Nun-Yu-Tzu 0040656A. (Original Title: Regulations on Taiwan Area Fishing Vessels and Crews Operating Fisheries in Foreign Bases)</p> <p>Amended in full text containing twenty articles, and promulgated by the Council of Agriculture, Executive Yuan on 14 August 1996, under Order No. 85 Nun-Yu-Tzu 5040651A.</p> <p>Amended to Article 6, and promulgated by the Council of Agriculture, Executive Yuan on 31 March 1999, under Order No. 88 Nun-Yu-Tzu 88600134.</p> <p>Amended to Article 2, and promulgated by the Council of Agriculture, Executive Yuan on 29 June 1999, under Order No.88 Nun-Yu-Tzu 88670008.</p> <p>Amended to Article 20 and 21, and promulgated by the Council of Agriculture, Executive Yuan on 30 June 2000, under Order No.89 Nun-Yu-Tzu 891330309.</p> <p>Amended to Article 20, and promulgated by the Council of Agriculture, Executive Yuan on 16 August 2000, under Order No. 89 Nun-Yu-Tzu 891330497.</p> <p>Amended and promulgated by the Council of Agriculture, Executive Yuan on 31 August 2004, under Order No. Nun-Sho-Tzu 0931331174.</p> <p>Amended to Article 12 and promulgated by the Council of Agriculture, Executive Yuan on 20 April 2009, under Order No. Nun-Sho-Tzu 0981330199.</p> <p>Amended in full text containing twenty two articles, and promulgated by the Council of Agriculture, Executive Yuan on 28 July 2010, under Order No. Nun-Sho-Tzu 0991330878.</p>
Content :	<p>Article 1 These Regulations are established pursuant to Article 39 of the Fisheries Act (hereinafter referred to as "the Act").</p> <p>Article 2 For the need of fisheries development and the operation of fishing vessels, the competent authority of the Central Government may select appropriate foreign ports for use as foreign fishing bases for national fishing vessels (hereinafter referred to as "the foreign base").</p> <p>Article 3 No fishing vessel shall conduct the following operations in a foreign base without prior authorization: 1. Use the foreign base for the purposes of fishing, selling of fish, or taking supplies; 2. Use the foreign base for the purposes of transshipping fish products.</p> <p>Article 4 Any fishing vessel that applies for operation in a foreign base shall install vessel automatic location communicator of a vessel monitoring system (VMS/ALC) designated by the competent authority of the Central Government. Any matter concerning the maritime safety, wireless telecommunications and ocean-going navigational devices on the fishing vessels as referred to in</p>

the preceding paragraph, shall be subject to the provisions of the relevant laws and regulations on shipping, telecommunication and other such related legislations.

Article 5

Any fishery operator whose vessel intends to operate in a foreign base shall fill in the application form, accompanying the following documents, to apply to the competent authority of the Central Government for approval:

1. A copy of fishing license.
2. A copy of fishing vessel survey certificate.
3. A list of crewmembers.
4. Copies of fishing vessel officer' s professional certificates.
5. A copy of the certificate for basic safety training of fishing vessel crewmembers.
6. A document certifying the vessel' s automatic location communicator duly tested by Overseas Fisheries Development Council of the Republic of China as capable of making automatic position reporting.
7. Information showing that communication fee for the automatic location communicator on the fishing vessel has been prepaid for a period of not less than one year.
8. A photograph taken within one year showing the side of the vessel with the marking of its international identification or a document certifying to that effect.
9. Any other documents designated by the competent authority of the Central Government.

The application form referred to in the preceding paragraph shall indicate the following items:

1. Name of the vessel.
2. Serial number.
3. Gross tonnage.
4. Length overall of the fishing vessel
5. Type of fishery.
6. Name of the fishery operator.
7. Intended fishing area and foreign base.
8. International radio call sign.
9. Period of operation.

Article 6

In approving the fishery operator to operate in a foreign base, the competent authority of the Central Government shall issue the certificate of operation in a foreign base.

The certificate referred to in the preceding paragraph shall include the following items:

1. Number of the certificate.
2. Name of the vessel.
3. Serial number.
4. Gross tonnage.
5. Length overall of the fishing vessel.
6. Type of fishery.
7. Name of the fishery operator.
8. Foreign base and fishing area.
9. International radio call sign.
10. Period of authorization.
11. Deadline of port departure.

Article 7

The maximum duration authorized for the certificate of operation in a foreign base shall not exceed two years and six months. In case extension of fishing operation is required upon its expiry, the fishery operator shall fill in the application form, accompanying the designated documents required under Article 5, paragraph 1, subparagraphs 2 to 5 and subparagraphs 7 to 9, to apply to the competent authority of the Central Government for renewal, within three months before its expiration date.

The certificate of operation in a foreign base issued to a fishing vessel, except for the provision as stipulated in paragraph 3, shall cease to be valid where anyone of the following incidents has been found:

1. The fishing vessel fails to depart for operation within the deadline of port departure as required.
2. The vessel has not resumed its fishing operation within three months after its return to homeport.
3. The fishing vessel fails to resume its fishing operation in a foreign base after its return to homeport.

Any tuna longline fishing vessel of over 20 gross tonnage (GT) but under 100 GT, which returns to its homeport between March and July of each year and then proceeds to the Pacific Ocean for fishing bluefin tuna, is not subject to the restriction as stipulated in subparagraph 3 of the preceding paragraph.

Article 8

Any fishing vessel operating in a foreign base shall comply with the following rules:

1. Shall operate in the ocean area or by the fishery type as approved;
2. Shall moor at the foreign base as approved;
3. Shall not carry on board articles other than fishing gear, fishing bait, catches and those articles that have been approved to carry;
4. Shall not carry any catch which is not caught by itself, provided that any fishing vessel which has completed its final fishing trip in a foreign base and returns to its homeport, it may carry catches caught by other ROC fishing vessels back to the country after obtaining permission in a case-by-case basis, from the competent authority of the Central Government.
5. Shall not catch or ship such aquatic animals or plants promulgated as prohibited to fish by the competent authority of the Central Government;
6. Accept an observer on board during fishing operation, and navigate to such a location for the embarkation and disembarkation of the observer.
7. Accept port inspector for conducting inspection of the fishing operation.
8. Maintain communications with government patrol vessels and accept boarding and inspection.
9. Fish transport vessel shall not transship catch fished by any ROC fishing vessel in violation of the relevant regulations or shall not carry any prohibited catch or transship catches from any foreign fishing vessel.
10. Report vessel position and catch data in accordance with the required time interval.
11. Stop fishing and directly enter into a designated port for inspection, upon receipt of the order from the competent authority of the Central Government.
12. Comply with the catch transshipment regulations as promulgated by the competent authority of the Central Government.
13. Observe such other rules so promulgated by the competent authority of the Central Government.

A foreign base operation fishing vessel which has been authorized by the competent authority of the Central Government to operate in a specific ocean area, complies with the provisions of the preceding paragraph during its operation in the specific ocean area so authorized, may continue operating in that ocean area until the completion of its fishing operation.

Article 9

With respect to the national crews he hired, a fishery operator of a fishing vessel which intend to operate in a foreign base, shall:

1. Submit the name list of crewmembers to the coastal guard authority of the port of its registration;
2. Inform the district fishermen's association where the vessel belongs for record, in case of change of the crewmembers;
3. Have the crewmember repatriated to his home, in case any crewmember leaves the fishing vessel at a foreign base.

The crewmembers of any fishing vessel authorized to operate in a foreign base shall not leave port until security inspection has been conducted by the coastal guard authority at the port of its registration.

Article 10

The obligatory military service of any national crewmember operating in a foreign base shall be subject to the provisions of the relevant military

service act and regulations.

Article 11

In case where a fishing vessel operating in a foreign base is short of crew to maintain its normal operation, the fishery operator may hire foreign or Mainland Chinese crew to supplement in accordance with requirements made by the competent authority of the Central Government.

Article 12

Any fish caught by a fishing vessel operating in a foreign fishing base shall be sold under its own name. A fishing vessel shall not sell any fishery products under its name unless such products were caught by that vessel.

Any fish caught by a fishing vessel operating in a foreign base which is sold or exported at the base shall be exempted from issuing of unified invoice and application of export license.

Any fish caught by a fishing vessel operating in a foreign base, which is in conformity with one of the following provisions, shall be subject to exemption of import license and import tax:

1. Fish transported back home by the fishing vessel operating in a foreign base itself or authorized to be transported by a fish transport vessel or another fishing vessel.
2. Fish shipped by a commercial cargo vessel or by an airplane, which is certified by the relevant outstation embassy, consulate, representative office, or such organization or person as authorized by the competent authority of the Central Government, and obtained fishing vessel catch certificate document issued by the competent authority of the Central Government.
3. Fish shipped by a commercial cargo vessel or by an airplane, caught by a fishing vessel which has been designated by the competent authority of the Central Government for conducting a specific fishery and reported its position and catch in a timely manner, in accordance with fishing vessel position reporting measure, and has obtained a catch certificate document issued by the competent authority of the Central Government, applied through the fisheries association it belongs, or the competent authority of the municipality or prefecture.

Fishing vessels for specific fisheries designated by competent authority of the Central Government as referred to in subparagraph 3 of the preceding paragraph, shall be promulgated in the government gazette accordingly by the competent authority of the Central Government based on types of fisheries, fishing areas and the practical need of fisheries management.

Article 13

In the event that a fishing vessel operating in a foreign base enters into port or a consignment of fish caught by a fishing vessel operating in a foreign base under transshipment arrives in port, the fishery operator shall submit the catch reports to the competent authority of the Central Government for perusal within sixty days from the day such incident. After a fishing vessel operating in a foreign base completes its fishing operation as indicated in the preceding paragraph, the fishery operator shall submit information on the sale of fish and its stocktaking to the competent authority of the Central Government for perusal within sixty days.

Article 14

Fish caught by any fishing vessel operating in a foreign base may be assigned to an agent for selling or transshipping.

Any agent desirous of handling the sale or transshipment of fish caught by any fishing vessel operating in a foreign base shall only commence its business after its application to and duly approved by the competent authority of the Central Government with the following accompanying documents,:

1. Document showing the name of the agent, company structure, capital amount and name of its legal representative.
2. A copy of business permit issued by the government.
3. Business plan.

Any agent, having been approved to handle the sale of fish prior to the amendment and entry into force of these Regulations on July 28, 2010, desirous of handling the transshipment of the fish caught by any fishing vessel operating in a foreign base, shall apply to competent authority of the Central Government for approval pursuant to the provisions of the preceding paragraph.

Article 15

After an agent who has been assigned to handle the sale of fish for a fishing vessel operating in a foreign base completes sales transactions, the agent shall submit information on the sale of fish to the competent authority of the Central Government for perusal in a monthly basis.

Where any agent who has not made such reports in accordance with the provision as set in the preceding paragraph or has submitted incorrect reports, the competent authority of the Central Government may request the agent to make supplementary information within a required timeframe. Where the agent fails to act so upon expiration of the deadline date, the authority shall give notice of rectification to the agent and request submission of supplementary information. In case the agent has been given three times notices of rectification in a single case, its approval to handle sale of fish shall be subject to abrogation.

The provision of the preceding paragraph shall be listed as an additional requirement for the approval of any agent handling the sale of fish.

Article 16

Any agent desirous of using foreign flagged fish transport vessel to transship fish caught by any fishing vessel operating in a foreign base, shall apply to the competent authority of the Central Government for prior approval in a case-by-case basis, and comply with the regulations for fish transshipment as promulgated by the competent authority of the Central Government.

Where any agent infringes the provisions of the preceding paragraph, the competent authority of the Central Government may abrogate its qualification to use foreign flagged fish transport vessels to transship fish caught by fishing vessels operating in a foreign base. In case of severe infringements, the authority may abrogate its approval to handle the sale of fish caught by any fishing vessel operating in a foreign base. The provision of the preceding paragraph shall be listed as an additional requirement for the approval of any agent using foreign flagged fish transport vessel to transship fish caught by fishing vessels operating in a foreign base and handling the business of transshipment of fish.

Article 17

Where a fishing vessel authorized to operate in a foreign base, whose fishery type or operation area is subject to a transshipment scheme as stipulated by an international fishery organization, and the fish caught by that vessel is transshipped by a foreign flagged fish transport vessel, such foreign flagged fish transport vessel shall be limited to those authorized by the competent authority of the Central Government.

Regulations for the transshipment of fish caught by fishing vessel in different ocean areas and fishery types and the procedures for the approval of foreign flagged fish transport vessel shall be stipulated by the competent authority of the Central Government, pursuant to Article 54, paragraph 5 of the Act, taking into account the resolution relating to transshipment adopted by the regional international fisheries organizations.

Article 18

Any fishing vessel operating in a foreign base which has committed anyone of the following infringements, other than that as provided in Paragraph 2, its fishing license or the professional certificate of its captain shall be subject to suspension for a period of not more than one year. In case of severe infringements, its fishing license or the professional certificate of the captain shall be subject to revocation.

1. In violation of the provisions of Article 3.
2. In violation of the provisions of Article 7, paragraph 1.

3. In violation of anyone of the provisions of Article 8, paragraph 1, subparagraph 1 or subparagraphs 4 to 12.

4. In violation of the provisions of Article 9, paragraph 1, subparagraph 3.

5. In violation of the provisions of Article 12, paragraph 1.

6. In violation of the provisions of Article 17, paragraph 1.

A fishing vessel which has violated the provisions of Article 7, paragraph 1, continues to report its positions and catch data and conduct transshipment after the expiry of the period authorized, in accordance with of Article 8, paragraph 1, subparagraphs 10 and 12, shall be subject to imposition of a fine of not less than thirty thousand but not more than one hundred and fifty thousand New Taiwan Dollars, pursuant to Article 65, paragraph 8 of the Act.

Article 19

Any fishing vessel operating in a foreign base which has committed anyone of the following infringements, shall be subject to imposition of a fine of not less than thirty thousand but not more than one hundred and fifty thousand New Taiwan Dollars, pursuant to Article 65, paragraph 8 of the Act:

1. In violation of the provisions of Article 8, paragraph 1, subparagraph 2, 3 or 13.

2. In violation of the provisions of Article 9, paragraph 1, subparagraph 1 or 2.

3. In violation of the provisions of Article 13.

Article 20

In case after imposing of the punishment for the suspension of the fishing license of a fishing vessel pursuant to Article 18, paragraph 1, the punishment cannot be executed due to the loss of the fishing vessel, a fine of not less than thirty thousand but not more than one hundred and fifty thousand New Taiwan Dollars shall be imposed, pursuant to Article 65, paragraph 8 of the Act.

Article 21

The competent authority of the Central Government may assign its subordinating agency or the relevant municipal, prefecture or township to issue the certificate of operation in a foreign base, under the name of the competent authority of the Central Government.

Article 22

These Regulations shall enter into force on the date of promulgation.