Content

Title：	Regulations on Permission for the Export of Fishing Vessels Ch
Date：	2007.05.17
Legislative：	1.Promulgated on June 29, 2005. 2.Amendment to Articles 2-1, 3, 8 promulgated on May 17, 2007.
Content：	Article 1 These Regulations are established pursuant to Article 8, paragraph 3 of the Fisheries Act. Article 2 Anyone who intends to export a fishing vessel of the nationality of the Republic of China, shall fill in an application form (format as in Annex 1) affixing the following documents, and apply to the municipal or prefecture/township government where the vessel has been registered, for submission to the competent authority of the Central Government for the issue of export permit, before making the export: 1.The original and a copy of the fishing certificate, original of the fuel allocation handbook. 2.Two copies of the certificate of nationality of vessel or small craft license. 3.Two copies of the sales contract. 4.The original and a copy of a certificate or a document accepting registration of the said vessel issued by the flag State, and duly attested or certified by the relevant outstation ROC embassy, consulate, mission or any other organization as authorized by the Ministry of Foreign Affairs (hereinafter referred to as “ROC embassy”). 5.The original and a copy of a certificate issued by the competent fisheries authority of the flag State consenting to assume responsibility of the administration of the said vessel and to comply with the management measures as adopted by the relevant regional fisheries management organizations, and duly attested or certified by the relevant outstation ROC embassy. Application for export of tuna purse seine fishing vessel, shall affix with the original and a copy of a certificate issued by the competent regional fisheries management organization or the flag State certifying its replacement of a decommissioned tuna purse seine fishing vessel, stating the nationality of the vessel, gross tonnage and regional registration

number of the vessel being replaced.
For the export of a fish transport vessel to foreign countries for use as cargo ship, the document as stipulated in paragraph 5 above is exempted.

Article 2-1
Any shipyard which intends to take an order for building a fishing vessel for export, shall affix the following documents, for submission to the competent authority of the Central Government, requesting to have consultation with the authority of the country which plans for the importation of the fishing vessel.
1. Document specifies vessel building as approved by the country which plans for
the importation of the fishing vessel. The document shall contain the following:
(1) Number of fishing vessels, the gross tonnage and the length of each vessel,
(2) Type of fishery vessel, and
(3) Intended Fishing Area of the fishing vessels.
2 .Fisheries management system of the country which plans for the importation of
the fishing vessel, including its institutional framework, manpower, budget,
fisheries regulation, allocation of quota, and ability to control the fishing
capacity.
3. Capital composition of investment from the fishery operator and relevant
investors.

Article 3
Any shipyard which intends to build a fishing vessel for export, shall fill in an application form (format as in Annex 2) prior to its building, affixing the following documents, for submission to the competent authority of the Central Government for permission:
1.Drawings of the fishing vessel (including general layout, cross-sectional
arrangement and line drawing) and two copies of the building workplan.
2.Relevant document to prove purchase order placed by the buyer for building of
the vessel.
Building of the fishing vessel under the building permission acquired pursuant to the preceding Article, shall be completed within two years from the date of issue of the permission for application of export permit. Failure to complete building within the validity of the permission, the applicant shall affix the original vessel building permission and the documents as stated in the preceding article for reapplication.

Article 4
For the export of any fishing vessel built pursuant to the provisions of the preceding Article, the shipyard shall fill in an application form (format as in Annex 3) affixing the following documents and apply for

export permit from the competent authority of the Central Government before its export:
1.Two photos each (5 in. x 7 in.) of the fishing vessel from hull side and portion of
the fishing gear together with their electronic copies.
2.The original and a copy of a certificate or a document accepting registration of
the said vessel or original of the certificate of vessel registration issued by the flag
State, and duly attested or certified by the relevant outstation ROC embassy.
3.The original and a copy of the fishing license issued by the flag State, and duly
attested or certified by the relevant outstation ROC embassy.
4.A copy of the vessel building permit issued by the competent authority of the
Central Government.

Article 5
Where the documents as required to be affixed pursuant to Articles 2 to 4 are not written in either Chinese language or English language, a Chinese translation certified by a competent court or notary public shall be accompanied.

Article 6
In order to determine the authenticity of the documents provided by the applicant, the competent authority may request the assistance of the relevant outstation ROC embassy, the countries or regional fisheries management organizations concerned to verify their authenticity.

Article 7
When examining the application submitted pursuant to Article 4, the competent authority of the Central Government may dispatch its officers or delegate the relevant municipal, prefecture or township government to send officers to conduct an inspection.

Article 8
No building of vessel shall be permitted under any of the following circumstances:
1. Application with the provision of false documents.
2. The country which plans for the importation of the fishing vessel refuses to
consult with ROC.
3. The information submitted by the country which plans for the importation of the
fishing vessel does not concur with the information submitted by the shipyard.
4. There are concerns that the fishing vessel built for export may be in
contravention of the conservation and management measures adopted by the
relevant regional fisheries management organizations.

5. There are concerns that the country which plans for the importation of the fishing vessel will not be in the capacity of controlling the operation of the fishing vessel, or the country in question does have sound regulations and system for the management of the fishery.
6. The vessel exported will be operated by the national of ROC, but during the consultation the country which plans for the importation of the fishing vessel declines its commitment of providing details on the future fishing operation of the vessel to ROC.
7. The vessel import by the country which plans for the importation of the fishing vessel has been prohibited or restricted under resolution adopted by the relevant regional fisheries management organizations.
8. The country which plans for the importation of the fishing vessel is in violation of the applicable international trade agreements or the principle of reciprocity in trade.
9. The country which plans for the importation of the fishing vessel is not a member or co-operating non-member of the regional fisheries management organizations concerned.

Article 9
No export permit shall be issued under any one of the following circumstances:
1.Provision of false documents.
2.Non-compliance with the conditions of the permission of vessel building issued.
3.Building of a fishing vessel without permission after of promulgation of these Regulations or such other matters which are inconsistent with the provisions of Article 11, paragraph 1.
4.Export of a ROC registered fishing vessel in contravention to the relevant management decisions as adopted by the regional fisheries management organizations.
5.Export of a ROC registered fishing vessel to a country under trade sanction by regional fisheries management organizations.
6.Export of a ROC registered fishing vessel which has been engaging in part-time driftnet fishing, without dismantling of its driftnet fishing related

equipments.
After the issuing of export permit by the competent authority of the Central Government, and before the export of the fishing vessel where such incidents as stated in paragraph 1, 2 or 6 of this Article have been found, the export permit issued may be subject to revocation or cancellation.

Article 10
The export permit issued pursuant to these Regulations shall be effective for 30 days from the date of issue, and failure to make exportation within the effective period of the permit, the exporter shall affix the original export permit for reapplication.
Reissue of export permit shall be applied in case of loss or mutilation prior to customs clearance.

Article 11
Any fishing vessel under construction or having completed construction before the enforcement of these Regulations, the shipyard shall, within two months of the effective date of these Regulations, affix drawings of the fishing vessel, construction workplan and relevant document to prove purchase order placed by the buyer for building of the vessel, for submission to the competent authority of the Central Government for perusal, and apply for export in accordance with the provisions of Regulations on the Application for Export of Fishing Vessels over 24 Meters in Length.

Article 12
These Regulations shall enter into force from the date of promulgation.

Data Source：MINISTRY OF AGRICULTURE Laws and Regulations Retrieving System