

Regulations on the Investment in or the Operation of Foreign Flag Fishing Vessels

Article 1

These Regulations are established pursuant to Article 6 of the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels (hereinafter referred to as “the Act”).

Article 2

The international fisheries organizations as referred to in these Regulations means any international fisheries management organization or regional or sub-regional fisheries management organization established in accordance with international conventions, treaties or agreements.

Article 3

In case that the fisheries type(s) or fishing Ocean(s) of any foreign flag fishing vessel invested or operated by the person with the nationality of the Republic of China is subject to the measure of authorized fishing vessels list as required by the international fisheries organization(s), such vessel shall not leave port for fishing operation until the flag State concerned has completed listing such vessel on the authorized vessel list of the international fisheries organization(s).

Article 4

Any foreign flag fishing vessel invested or operated by the person with the nationality of the Republic of China shall receive the observer dispatched by the flag State concerned and shall not refuse, evade, or obstruct the deployment of observer. Such fishing vessel shall fish in the fishing Ocean(s), fishing area(s), or fishing period(s), and with the fishing gear(s) and fishing method(s) as authorized by the flag State and coastal State concerned.

Article 5

In case that the fisheries type(s) or fishing Ocean(s) of any foreign flag fishing vessel invested or operated by the person with the nationality of the Republic of China is subject to the measure of reporting vessel positions as required by the international fisheries organization(s), flag State or coastal State concerned, such vessel shall comply with the regulations of position reporting as established by the international fisheries organizations(s), the flag State and coastal State concerned.

Article 6

Any foreign flag fishing vessel invested or operated by the person with the nationality of the Republic of China that intends to catch fish species managed by the international fisheries organization(s) shall only catch such species whose catch limit or quota has been allocated to the flag State or coastal State

concerned by the international fisheries organization(s), and shall catch under the catch limit or quota allocated to it by the flag State or coastal State concerned.

Article 7

In case that any person with the nationality of the Republic of China that conducts the business of fishery in sea areas beyond national jurisdiction by investing in or operating foreign fishing vessel(s) has violated relevant regulations on fishing stipulated by the flag State or coastal State concerned, or the regulations, except for the serious infringements stipulated in Article 8, paragraph 1 of the Act, regarding authorization to fish, fishing area(s), fishing period(s), vessel positions reporting, fishing gear(s), fishing method(s) or quota stipulated in Article 3 to Article 6 of these Regulations, the criteria of consecutive punishment in accordance with Article 11, subparagraph (2) of the Act shall be as follows:

- (1) He who violates for the first time within three years shall be subject to a fine of two million New Taiwan Dollars.
- (2) He who violates the same provision of violation for two times within three years shall be subject to a fine of four million New Taiwan Dollars.
- (3) He who violates the same provision of violation for three times within three years shall be subject to a fine of six million New Taiwan Dollars.
- (4) He who violates the same provision of violation for four times and above within three years shall be subject to a fine of ten million New Taiwan Dollars.

The basis for calculating the time(s) of violation as referred to in the preceding paragraph shall start from the date of last violation dated back to a period of three years.

Article 8

These Regulations shall enter into force on January 20, 2017.