

Regulations on the Management of Fisheries Cooperation

The full text of 13 articles promulgated on 19 January 2017 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1051338791A.

Article 3 and 13 amended and promulgated on 12 November 2020 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1091336921.

Article 1

These regulations are established pursuant to Article 12, paragraph 3 of the Act for Distant Water Fisheries (hereinafter referred to as “the Act”).

Article 2

Manners of fisheries cooperation are categorized as follows:

- (1) Acquiring the right to operate fishing vessel(s) in the exclusive economic zone of a foreign country with the payment of access fee; or
- (2) Engaging in fisheries operation in the exclusive economic zone of a foreign country by means of chartering fishing vessel(s) of the Republic of China to person(s) of that foreign country.

Article 3

In case of any of the following circumstances, the competent authority shall deny the approval of fisheries cooperation:

- (1) The country with which the fishing vessel(s) of the Republic of China engages in fisheries cooperation is incapable of controlling and managing foreign fishing vessels fishing in the waters under its national jurisdiction;
- (2) The country with which the fishing vessel(s) of the Republic of China engages in fisheries cooperation is listed on the illegal, unreported, and unregulated (IUU) fishing non-cooperating countries list by other countries, international fisheries organizations, or other economic integrated organizations; or
- (3) The country with which the fishing vessel(s) of the Republic of China engages in fisheries cooperation is subject to a letter of identification for more than 2 years by other countries, international fisheries organizations, or other economic integrated organizations.

The list of the country as referred to in subparagraph (1) of the preceding paragraph shall be promulgated by the competent authority.

In case that the country as referred to in subparagraph (3) of paragraph 1 signs with the Republic of China an agreement or memorandum of understanding concerning cooperation in combating IUU fishing, and conducts joint port inspections with the competent authority or exchanges data on port inspections with the competent authority, the competent authority may approve the fisheries cooperation with such a country.

Article 4

In case that the country with which the fisheries cooperation is engaged has designated the port(s) for landing or transshipment, one of the following conditions shall be met:

- (1) The foreign country concerned shall reach an agreement with the Republic of China

with respect to any of the following matters:

- i. The foreign country concerned agrees to provide its report(s) on inspecting fishing vessel(s) of the Republic of China; or
 - ii. The foreign country concerned agrees with inspections conducted by the personnel dispatched by the Republic of China in ports of such foreign country, or inspections conducted jointly, and exchange of related information.
- (2) The scheme of inspections conducted by an independent third party has been established in the foreign country concerned.

The independent third party as referred to in subparagraph (2) of the preceding paragraph means any of the following institutions recognized by the competent authority:

- (1) For Japan:
- i. Shinken Corporation.
 - ii. Nippon Kaiji Kentei Kyokai, Incorporated Association.
- (2) For areas excluding Japan: any verifying institution which obtains the accreditation for management system certification from the Taiwan Accreditation Foundation (TAF).

Article 5

Taking into consideration the policy of fisheries development and the national interests, the competent authority may designate non-profit organization(s) or fishery association(s) on behalf of the fishing industry to conduct negotiations with foreign countries on matters related to rights and obligations such as the number of fishing vessel(s) engaging in fisheries cooperation, fee, fishing days, fishing area(s), or regulations to be complied with.

Article 6

Any distant water fisheries operator that applies for fisheries cooperation shall, before the fishing vessels entering into the exclusive economic zone of the foreign country concerned, fill in the application form and submit it with the following documents to the competent authority for approval:

- (1) A copy of valid distant water fisheries permit;
- (2) A copy of the permission for fisheries cooperation issued by the foreign country concerned;
- (3) A letter of guarantee to repatriate crew members in case of maritime distress or detainment.
- (4) In case that the fisheries cooperation is conducted in accordance with Article 2, subparagraph (2), a copy of the cooperation agreement or contract shall be submitted as well.
- (5) In case that the fisheries cooperation is negotiated by the non-profit organization or fishery association with the foreign country concerned, a copy of the cooperation agreement or contract signed by the non-profit organization or fishery association and the foreign country concerned shall be submitted as well.

The application form as referred to in the preceding paragraph shall include the following:

- (1) The country with which the fisheries cooperation is engaged;
- (2) The manner of cooperation;
- (3) The period of cooperation;
- (4) Name(s), CT number(s), type(s), gross tonnage (GT), and number(s) of the fishing vessel(s) engaged in the fisheries cooperation; type(s) of fisheries; method(s) of processing catches; and port(s) for landing.

In case that the permission for fisheries cooperation issued by the foreign country concerned as referred to in paragraph 1, subparagraph (2); or the cooperation agreement or contract as referred to in paragraph 1, subparagraph (4) and (5) is not written in Chinese nor English, a Chinese translation authenticated by public notary shall be submitted.

Article 7

In case of any of the following circumstances, approval of fisheries cooperation shall not be granted:

- (1) The applied fishery type of the fisheries cooperation is not the fishery type as recorded in the fishing license of the applying fishing vessel.
- (2) The distant water fisheries operator is sentenced imprisonment for violating the Act, the Fisheries Act or the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels and such sentence is not yet executed, not executed completely, or is on probation whose period is not yet expired, or 2 years have not passed since such sentence is executed completely, on probation which is expired, or pardoned.
- (3) The distant water fisheries operator is sentenced to a short-term imprisonment or criminal fine for violating the Act, the Fisheries Act or the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels and such sentence is not yet executed, not executed completely or 2 years have not passed since such sentence is executed completely.
- (4) The distant water fisheries operator is sentenced to a fine pursuant to the Act, the Fisheries Act or the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels and such fine is not paid completely.
- (5) The applying fishing vessel is sentenced to suspension of fishing license pursuant to the Act or the Fisheries Act, and such sentence is not executed completely.

Article 8

For any application as referred to in Article 6 that has been examined and approved by the competent authority, the maximum cooperation period shall be one year, and shall not exceed the validation period of its fishing license.

The fishing method(s) for the approved fisheries cooperation shall be limited to that authorized by the foreign country with which the fisheries cooperation is engaged with.

Article 9

Unless that the foreign country concerned has required fishing vessel(s) to enter its port(s) for landing or transshipment, the foreign ports for in-port landing or in-port transshipment conducted by fishing vessel(s) of the Republic of China engaged in fisheries cooperation shall be limited to the ports designated by the competent authority.

Article 10

The application and issuance of relevant catch statistical documents for any fishing vessel engaging in fisheries cooperation shall be conducted in accordance with the Act and its relevant implementing regulations. For catches from the fishing vessel engaging in the fisheries cooperation in accordance with Article 2, subparagraph (2), the competent authority shall not issue Catch Statistical Documents, Legitimated Catch Certificates, or European Community Catch Certificates.

Article 11

In case of any of the following circumstances, the competent authority shall revoke the approval of fisheries cooperation:

- (1) The foreign country with which the fisheries cooperation is engaged notifies in written of terminating the fisheries cooperation.
- (2) The foreign country with which the fisheries cooperation is engaged is under any of the circumstances stipulated in Article 3, paragraph 1; or any of the conditions stipulated in Article 4, paragraph 1 is not met.
- (3) The permit issued by the foreign country with which the fisheries cooperation is engaged is invalid.
- (4) Any fishing vessel engaging in fisheries cooperation conducts IUU fishing.

Article 12

In case of continuation of the fisheries cooperation after the period of fisheries cooperation is expired, re-application for the approval shall be conducted in accordance with Article 6.

Article 13

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

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