

英譯法規內容

法規名稱(Title): Regulations on the Approval of Investment in or the Operation of Foreign Flag Fishing Vessels

公發布日(Date): 2017.01.20

法規沿革: (Legislative)

- 1.The entire text of 10 Articles enacted and promulgated on 16 October 2009 by the Council of Agriculture, the Executive Yuan under Order No. Nung-yu-tzu 0981332539.
- 2.The entire text amended to 9 Articles and promulgated on 20 January 2017 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1061332120.

法規內文(Content):

Article 1

These Regulations are established pursuant to Article 4, paragraph 3 of the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels (hereinafter referred to as "the Act").

Article 2

Any person with the nationality of the Republic of China applying for the approval to invest in or operate any foreign flag fishing vessel shall not be under any of the following circumstances :

- (1) A person is declared incompetent or limited capacity;
- (2) A person is subject to the order of the commencement of guardianship or assistance, and such order is not yet revoked;
- (3) A person is declared bankrupt and has not yet resume his/her rights;
- (4) A person is sentenced imprisonment for violating the Act, the Act for Distant Water Fisheries, or the Fisheries Act and such sentence is not yet executed or 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;
- (5) A person is sentenced to a short-term imprisonment or criminal fine for violating the Act, the Act for Distant Water Fisheries, or the Fisheries Act and such sentence is not yet executed, not executed completely or 2 years have not passed

since such sentence is executed completely;

(6) The applicant whose fishing vessel flying the flag of the Republic of China is sentenced to revocation or withdrawal of fishing license pursuant to the Act for Distant Water Fisheries or the Fisheries Act and 2 years have not passed since such sentence is executed completely;

(7) The applicant whose fishing vessel flying the flag of the Republic of China is sentenced to a fine pursuant to the Act for Distant Water Fisheries or the Fisheries Act and such fine is not paid completely;

(8) The applicant whose fishing vessel flying the flag of the Republic of China is sentenced to suspension of its fishing license pursuant to the Act for Distant Water Fisheries or the Fisheries Act and such sentence is not executed completely.

Article 3

Any person with the nationality of the Republic of China that intends to invest in or operate a foreign flag fishing vessel shall submit in advance an application together with list of investor(s) and proof of their identifications to the competent authority for approval.

In case that the number of investor as referred to in the preceding paragraph is above two, names of all the investors shall be listed on the application, and one of the investors may be assigned as the representative to file the application.

Article 4

Any person with the nationality of the Republic of China that has been authorized to invest in or operate a foreign flag fishing vessel shall complete the investment within one year starting from the date of authorization, and submit the following documents together with their Chinese translation within 120 days starting from the date of completing the investment to the competent authority for perusal:

(1) Copy of the company registration issued by flag State concerned;

(2) Copy of the certificate of vessel nationality issued by flag

State concerned;

- (3) Copy of fishing permit issued by flag State concerned;
- (4) Copies of the relevant documents issued by flag State concerned describing the permitted fishing area(s), fishing gear(s), fishing method(s), species and quotas allocated;
- (5) Relevant document showing the amount and proportion of investment, list of investors and their professions. For an investment made other than capital funding, the method of investment and its details shall be provided;
- (6) He who participates in the business operations shall provide a document showing the appointment of his/her post;
- (7) Date of signing the investment contract or technical cooperation contract; and
- (8) Date of commencing the business operation of the investment.

Where there is due cause that the investment will not be able to complete within the timeframe as set forth in the preceding paragraph, application for extension may be made to the competent authority before the timeframe. The maximum period for each extension shall be one year and the times for extension shall be limited to two times.

Article 5

In case of any change to the following information, the person with the nationality of the Republic of China that has been authorized to invest in or operate foreign flag fishing vessel(s) shall, within three months starting from the date of such change, notify the competent authority in writing:

- (1) Any change to the amount or proportion of the investment.
- (2) Increase or decrease of the number of investor(s).
- (3) Any change to the name or number of the foreign flag fishing vessel authorized to be invested in or operated.

Article 6

In case of any of the following circumstances, the competent authority may revoke the authorization to invest in or operate foreign flag fishing vessel(s):

- (1) Failure to complete the investment or to provide the required

documents and related information to the competent authority within the timeframe as set forth in Article 4, paragraph 1; to apply for extension in accordance with Article 4, paragraph 2; or to obtain the approval for extension.

(2) The amount or proportion of investment is less than that as promulgated by the competent authority in accordance with Article 3 paragraph 2 of the Act.

Article 7

In case of any of the following circumstances, the competent authority shall withdraw the authorization to invest in or operate any foreign flag fishing vessel:

(1) Matters of the application or information or document provided is forged, faked or false.

(2) Using means of fraud, threat or other improper means to obtain the authorization.

Article 8

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) without the authorization from the competent authority, the criteria of consecutive punishment in accordance with Article 11, subparagraph (1) 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 for two times within three years shall be subject to a fine of four million New Taiwan Dollars.

(3) He who violates for three times within three years shall be subject to a fine of six million New Taiwan Dollars.

(4) He who violates 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 9

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