

## Laws and Regulations Retrieving System

Print Time: 112.02.16 21:52

### Content

Title: Regulations on the Management of the Crew of Fishing Vessels Ch

Date: 2022.11.22

- Legislative:
- 1.Promulgated on February 4, 1974
  - 2.Amended on January 13, 1975
  - 3.Amended on January 21, 1976
  - 4.Amended on March 2, 1976
  - 5.Amended on October 11, 1977
  - 6.Amended on July 12, 1979
  - 7.Amended on December 15, 1981
  - 8.Amended on December 30, 1983
  - 9.Amended on May 20, 1985
  10. Amended on July 16, 1987
  11. Amended on May 20, 1989
  12. Amended on July 29, 1991
  13. Amended on July 25, 1992
  14. Amended on January 21, 1995
  15. Amended on August 20, 1997
  16. Amended on November 24, 1999
  17. Amended on July 29, 2001
  18. Amended on October 15, 2004
  19. Amendment to Articles 4, 10, 11, 14, 15, 17, 21, 22 and addition of Articles 14-1, 14-2, 15-1, 15-2 promulgated on September 4, 2006
  20. Amendment to Appendix 5 of Article 22 promulgated on October 3, 2007
  21. Amendment to Articles 14, 14-1, 15, 15-1 ,16 ,17 ,19 ,20 ,21 ,23 ,31 and Appendix 1 of Article 10 Article, Appendix 2 of Article 11 Article, Appendix 5 of Article 22 promulgated on May 22, 2009
  22. Amendment to Articles 2, 11, 14, 14-1, 14-2, 15, 15-1, 15-2, 17, 24, 31 and Appendix 1 of Article 10 Article, Appendix 3 of Article 15, deleted Article 6, and addition of chapter 4-1, Articles 32-1, 32-2 promulgated on August 10, 2010
  23. Amendment to Appendix 3 of Article 15, promulgated on February 8, 2013
  24. Amendment to Articles 8-1, 17-1 promulgated on September 25, 2014
  25. Amendment to Articles 14, and Appendix 1 of Article 10 promulgated on February 9, 2018
  26. Amendment to Articles 2, 3, 14, 14-1, 14-2, 15, 15-1, 15-2, 16, 17, 19, 20, 22 to 24, 31, 32-1, 32-2, chapter 4-1, Appendix 2 of Article 11, and addition of 11-1, 32-3 promulgated on August 23, 2021
  27. Article 11-1, 15, 15-1, Appendix 2 of Article 11, and Appendix 5 of Article 22 amended and promulgated on 22 November 2022 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1111326708.

Content: Regulations on the Management of Crew Members of Fishing Vessels

#### Chapter I General Principles

##### Article 1

These regulations are hereby enacted pursuant to Article 12 of the Fisheries Act (hereinafter

referred to as “the Act”).

## Article 2

Terms used in these Regulations are defined as follows:

- (1) Fishing vessel(s): Any vessel, sampan, and fishing raft used for the purpose of fisheries operation, and fishery patrol vessel, fishery research vessel, and fishery training vessel.
- (2) Crew member(s): Any officer and ordinary crew working on board a fishing vessel, not including observer and inspector.
- (3) Officer: Any crew member working on board a fishing vessel as a captain, mate, chief engineer, second engineer, engineer or telecommunication operator.
- (4) Ordinary crew: Any crew member other than officers.
- (5) Captain: The person who is in charge of all affairs on a fishing vessel.
- (6) Mate: An officer who is responsible for the navigational watch-keeping on a fishing vessel.
- (7) Chief engineer: An officer who is in charge of the operation and maintenance of the main engine, auxiliary engine, and relevant electronic devices on a fishing vessel.
- (8) Second engineer: An officer who is responsible for assisting with the operation of the engineering section and supervising crew members of the engineering section for their conducts of engineering operation on a fishing vessel.
- (9) Engineer: An officer who is responsible for the engine-room watch-keeping, operation, and maintenance on a fishing vessel.
- (10) Telecommunication operator: An officer who is responsible for the radio watch on a fishing vessel.
- (11) Observer: Any person that is designated by the central competent authority to conduct verification, data collection, sampling, and other assigned missions on a fishing vessel.
- (12) Inspector: Any person that is designated by the central competent authority to conduct boarding and inspections, education on legislation, and other assignments on a government vessel.
- (13) Length of a fishing vessel: The length as referred to in Article 2 of the Regulations on Tonnage Measurement of Ships.
- (14) Limited waters: The waters within the exclusive economic zone under the jurisdiction and sovereignty of the Republic of China.
- (15) Unlimited waters: The waters beyond the limited waters.
- (16) Sea area A1: The waters within the coverage area of the very high frequency (VHF) communication of coast radio stations.
- (17) Sea area A2: The waters beyond sea area A1 and within the coverage area of the medium frequency (MF) communication of coast radio stations.
- (18) Sea area A3 : The waters beyond sea areas A1 and A2 and within the coverage area of the geostationary satellite communication of the International Maritime Satellite Organization

(INMARSAT).

(19) Sea area A4 : Any waters beyond sea areas A1, A2, and A3.

### Article 3

Any crew member, observer, and inspector shall possess a Fishing Vessel Crew Identification, and for any officer, he/she shall also possess a Certificate of Fishing Vessel Officer. Foreign crew member employed in accordance with the Employment Service Act shall possess a Fishing Vessel Foreign Crew Identification.

Any crew member, observer, and inspector that embark on board a fishing vessel and sail out to sea shall carry valid document(s) as referred to in the preceding paragraph. Anyone that fails to carry the valid document(s), or is under a disposition of suspension of the Fishing Vessel Crew Identification, shall not sail out to sea on board a fishing vessel. However, any foreign crew member after entry into the Republic of China may possess his/her passport and the Permit for Recruitment issued by the Ministry of Labor to operate at sea before obtaining a Fishing Vessel Foreign Crew Identification.

Any person on board a fishing vessel shall comply with the preceding two paragraphs, except for any of the following circumstances:

- (1) Passengers who are on board in accordance with the Regulations for Recreational Fishery;
- (2) Any person with the permission from the competent authority to rent a fishing vessel for the purpose of conducting aquatic resources and marine environmental researches and other fisheries management; or
- (3) Any person with the permission from the competent authority to board a fishing vessel for the purpose of engaging in religious activities and traditional rituals.

### Article 4

In accordance with the length, thrust power of main engine, operating area or maintenance method(s) of relevant equipment of a fishing vessel on which an officer is employed, the ranking of officers' positions shall be classified as follows:

- (1) Navigation section:
  - i. First level captain: A captain who serves on a fishing vessel of 24 meters or above in length and operating in unlimited waters.
  - ii. First level mate: A mate who serves on a fishing vessel of 24 meters or above in length and operating in unlimited waters.
  - iii. Second level captain: A captain who serves on a fishing vessel of 24 meters or above in length and operating in limited waters
  - iv. Second level mate: A mate who serves on a fishing vessel of 24 meters or above in length

and operating in limited waters.

- v. Third level captain: A captain who serves on a fishing vessel of 12 meters or above and less than 24 meters in length.
  - vi. Third level mate: A mate who serves on a fishing vessel of 12 meters or above and less than 24 meters in length.
- (2) Engineering section:
- i. First level chief engineer: A chief engineer who serves on a fishing vessel with 750 or above kilowatts of the thrust power of main engine (1019.7 Pferdestarke).
  - ii. First level second engineer: A second engineer who serves on a fishing vessel with 750 or above kilowatts of the thrust power of main engine.
  - iii. First level engineer: An engineer who serves on a fishing vessel with 750 or above kilowatts of the thrust power of main engine.
  - iv. Second level chief engineer: A chief engineer who serves on a fishing vessel with the thrust power of main engine less than 750 kilowatts.
- (3) Telecommunication section:
- i. For a telecommunication operator who serves on a fishing vessel equipped with Global Maritime Distress and Safety System (hereinafter referred to as "GMDSS") radio station:
    - (i) GMDSS radio electronic operator: An electronic operator who serves on a fishing vessel using the method of at-sea electronic maintenance.
    - (ii) GMDSS general operator: An operator who serves on a fishing vessel navigating within sea area A2, or on a fishing vessel navigating within sea areas A3 and A4 and using the methods of shore-based maintenance (SBM) and duplication of equipment.
    - (iii) GMDSS restricted operator: An operator who serves on a fishing vessel navigating within sea area A1.
  - ii. For a telecommunication operator who serves on a fishing vessel equipped with non-GMDSS radio station:
    - (i) First grade telephone operator: A telephone operator who serves on a fishing vessel navigating in unlimited waters.
    - (ii) Second grade telephone operator: A telephone operator who serves on a fishing vessel navigating in limited waters.

## Article 5

Any fishery operator who employs within the territory of the Republic of China a foreign crew member shall apply for a Fishing Vessel Foreign Crew Identification for the said foreign crew member, and shall comply with the requirements as prescribed in the Employment Service Act and relevant regulations thereunder.

## Article 6

(Deleted)

## Article 7

Any fishing vessel shall retain on board a crew list, records of declaration for port entry and exit, and other relevant information.

## Article 8

The municipal or county (city) competent authority may set the standards for the employment and compensation package of crew members in accordance with its local custom and living standards.

In accordance with the standards as referred to in the preceding paragraph, an employer and an employee may make an employment contract in which the following matters shall be specified:

- (1) Name, age, place of birth, address, national identification number or other identification document of the crew member;
- (2) Date and location of signing the contract;
- (3) Name of the fishing vessel concerned;
- (4) Fishing area;
- (5) Position of the crew member;
- (6) Compensation package of the crew member;
- (7) Provisions for the crew member;
- (8) Guidelines on compensation for injury and death of the crew member;
- (9) Termination of the contract and other conditions;
- (10) Valid period of the contract;
- (11) Other necessary matters.

## Article 8-1

Any crew member that possesses the Fishing Vessel Crew Identification and has been employed on board a fishing vessel flying a foreign flag shall, within three months after such employment, submit relevant document(s) to the central competent authority for recordation. Such procedure shall apply whenever there is a change to the aforementioned employment.

The information necessary for recordation as referred to in the preceding paragraph shall include the name of employer, name of fishing vessel, flag of fishing vessel, type of fishery, terms of employment, assumed position, and any other relevant matters.

For any crew member that has been employed on board a fishing vessel flying a foreign flag prior to the amendment and enforcement of this Article, provisions set forth in paragraph 1 shall be followed within three months upon the date of enforcement of this amended Article.

## Chapter II Qualification, Training, and Certification

### Article 9

Any ordinary crew shall be not less than 16 years of age. However, he/she who is 15 years of age or above or has a junior high school diploma, and works without any employment agreement on a fishing vessel less than 24 meters in length which operates in limited waters, and whose owner or shareholder of the partnership is his/her relative within the second degree of kinship, shall be exempted.

All officers shall be not less than 18 years of age.

### Article 10

Any physical examination for crew members shall only be conducted by the following medical institutions:

- (1) Public hospitals;
- (2) Teaching hospitals accredited as qualified by the central health competent authority;
- (3) Public health centers which are affiliated to the Public Health Bureaus of municipal, county (city) governments.

Items for the physical examination as referred to in the preceding paragraph and the Certificate for Physical Examination are as shown in Appendix 1. The Certificate for Physical Examination shall be effective for six months starting from the date of examination.

### Article 11

Any crew member shall join training program(s) as required by the central competent authority and the training programs are categorized as follows:

- (1) Basic safety training;
- (2) Professional training for officers;
- (3) In-service professional training.

The training programs as referred to in the preceding paragraph shall be established by the central competent authority taking into consideration of the international standards, and may be conducted by the central competent authority itself or through commissioning a public/private professional training organization or academic institute.

The central competent authority shall collect guarantee deposits from the trainees for the training programs as referred to in paragraph 1. An administrative contract shall be made between the central competent authority and a trainee. Any trainee may apply for the refund of the guarantee deposit in the event that he/she has engaged in fishing operation for accumulated

period of three months or above within one year after the completion of the training program.

The application for the refund of the guarantee deposit as referred to in the preceding paragraph shall be filed by the trainee concerned within one year and three months after his/her completion of training program. No refund shall be made for any overdue application.

The qualifications and required documents for joining the professional training program for officers are as shown in Appendix 2.

#### Article 11-1

The application form of any person that signs up for the training program as referred to in sub-paragraph (1) of paragraph 1 of the preceding Article shall be filled in and submitted by the fishery operator employing the applicant to the regional fishermen association or distant water fisheries association to which the fishery operator belongs. However, any applicant that is under any of the following circumstances is exempted:

- (1) Any person that serves on a fishery patrol vessel, fishery research vessel, or fishery training vessel, with supporting document(s) issued by the unit served;
- (2) Observers, inspectors, or any person engaged in relevant incentive programs for working on board fishing vessels, with supporting document(s) issued by the central competent authority;
- (3) Any students applying for an internship on a fishing vessel, with a recommendation issued by his/her academic institution.

Any foreign crew employed domestically or overseas that signs up for the training program as referred to in the sub-paragraph (2) of paragraph 1 of the preceding Article shall hold the training qualification prescribed in Appendix 2, and the application form shall be filled in and submitted by the fishery operator employing the crew concerned to the regional fishermen association or distant water fisheries association to which the fishery operator belongs.

#### Article 12

For any fishing vessel of 12 meters or above and less than 24 meters in length applying for operating in unlimited waters, each of its officers of the navigation section shall possess a Certificate of Fishing Vessel Officer for first level captain or first level mate.

Any officer except the first level captain or the first mate shall serve as an officer of the navigation section on the fishing vessel as referred to in the preceding paragraph only if he/she has joined and passed the relevant professional training program(s).

#### Article 13

Where the competent authority requires any level of crew member to join training for the purposes of fishery management, the crew member(s) concerned shall not refuse.

#### Article 14

Any person that applies for a Fishing Vessel Crew Identification for the first time shall, within five years after obtaining the certificate on completing the basic safety training as referred to in sub-paragraph (1) of paragraph 1 of Article 11, submit a completed application form and the following documents to the municipal or county (city) competent authority commissioned by the central competent authority for issuance:

- (1) Four photos in two-inch size that are taken within the recent one year, and are half-length, facing front, and without wearing a hat.
- (2) The original and one copy of the National Identification or Resident Certificate. The original will be returned after verification.
- (3) A letter of employment commitment as verified by the fishermen's association concerned. However, any one that is without the employment agreement as referred to in Article 9, paragraph 1; or that is under the circumstances as stipulated in sub-paragraph (1) or (2) of paragraph 1 of Article 11-1, is exempted.
- (4) One copy of a valid Certificate for Physical Examination of Fishing Vessel Crew Member issued by the medical institution as stipulated in paragraph 1 of Article 10;
- (5) For minors, a letter of consent from one of the legal representatives and the copy of the National Identification or the Resident Certificate of such legal representative shall also be submitted.

The Fishing Vessel Crew Identification shall be valid for five years, and application for the renewal of such Identification shall be filed within one year prior to its expiry.

#### Article 14-1

Any crew member that applies for the renewal of the Fishing Vessel Crew Identification shall submit a completed application form and the following documents to the municipal or county (city) competent authority commissioned by the central competent authority for issuance:

- (1) Four photos in two-inch size that are taken within the recent one year, and are half-length, facing front, and without wearing a hat;
- (2) The original Fishing Vessel Crew Identification previously obtained, which will be returned after cutting the corner thereof;
- (3) One copy of the National Identification or Resident Certificate;
- (4) One copy of a valid Certificate for Physical Examination of Fishing Vessel Crew Member issued by the medical institution as stipulated in paragraph 1 of Article 10;
- (5) For any crew member whose latest record as shown in the column "Change of Position" on the Fishing Vessel Crew Identification is unemployed, a letter of employment commitment

verified by the fishermen's association concerned shall be submitted. However, any crew member that is without the employment agreement as referred to in Article 9, paragraph 1; or that is under the circumstances as stipulated in sub-paragraph (1) or (2) of paragraph 1 of Article 11-1, is exempted.

Any applicant as referred to in the preceding paragraph that has not held a valid Fishing Vessel Crew Identification and operated at sea in the recent five years, or his/her Fishing Vessel Crew Identification has expired for over five years, shall re-obtain the certificate on completing the basic safety training as referred to in sub-paragraph (1) of paragraph 1 of Article 11 and apply for the Fishing Vessel Crew Identification in accordance with the paragraph 1 of the preceding Article.

#### Article 14-2

Where a crew member who serves onboard an authorized distant water fishing vessel applies for the renewal of his/her Fishing Vessel Crew Identification but fails to submit the original Fishing Vessel Crew Identification in accordance with sub-paragraph (2) of paragraph 1 of the preceding Article due to operating at sea, the National Identification, Resident Certificate, passport or driver license may be used for substitute. For any crew member that fails to submit a Certificate for Physical Examination as referred to in sub-paragraph (4) of paragraph 1 of the preceding Article, he/she shall provide the certificate within one month after returning to the Republic of China.

#### Article 15

Any crew member that applies for a Certificate of Fishing Vessel Officer shall submit a completed application form and the following documents, together with the certificate issuance fee, to the central competent authority for issuance:

- (1) Two photos in two-inch size that are taken within the recent one year and are half length, facing front, and without wearing a hat.
- (2) One copy of the Fishing Vessel Crew Identification. However, any foreign crew member employed domestically or overseas and has completed the professional training for officers as referred to in sub-paragraph (2) of paragraph 1 of Article 11 is exempted.
- (3) For any foreign crew employed domestically, a copy of the Resident Certificate or the current Ocean Fishing Employment Permit shall be enclosed. For any foreign crew employed overseas, a copy of the permit for recruitment by the current fishing vessel shall be enclosed.
- (4) The original and one copy of each of the following documents. The original copy will be returned after verification:
  - i. The certificate on passing examination for fishing vessel crew members as issued by the Examination Yuan;
  - ii. The certificate on completing the professional training for fishing vessel officer as issued

by the central competent authority; or

iii. The certificate on passing the examinations of Seafarers issued by the Examination Yuan, the diploma of a marine academic institution with a major in related subjects, or the Crew's Certificate of Competency issued by the Ministry of Transportation and Communications, as certified by the central competent authority to meet the qualification for the equivalency in the standards of professional training for officers.

(5) One copy of a valid Certificate for Physical Examination of Fishing Vessel Crew Member issued by the medical institution as stipulated in paragraph 1 of Article 10.

(6) Any other certification document as required by the central competent authority and referred to in Appendix 3.

Qualifications for the equivalency in the standards of training as referred to in item iii of sub-paragraph (4) of the preceding paragraph are prescribed in Appendix 3-1.

For any crew member that applies for a Certificate of Fishing Vessel Officer, in the event that five years have passed since the issuance of his/her certificate on passing relevant examination(s), certificate on completing training program(s), diploma, and certificate of competency as referred to in sub-paragraph (4) of paragraph 1 and the preceding paragraph, the Certificate of Fishing Vessel Officer shall be applied for only if he/she has rejoined the professional training for officers as stipulated in sub-paragraph (2) of paragraph 1 of Article 11 and received the certificate on completing the training. However, any crew member that is able to prove that he/she has operated at sea for one year in the recent five years is exempted.

The Certificate of Fishing Vessel Officer shall be valid for a maximum of five years, and the validity of such Certificate shall not exceed that of the Fishing Vessel Crew Identification. Application for the renewal of such Certificate shall be filed within one year prior to its expiry.

#### Article 15-1

For any application for the renewal of a Certificate of Fishing Vessel Officer, a completed application form and the following documents shall be submitted, together with the certificate issuance fee, to the central competent authority for issuance:

- (1) Two photos in two-inch size that are taken within the recent one year and are half length, facing front, and without wearing a hat.
- (2) One copy of the Fishing Vessel Crew Identification. However, foreign crew employed domestically or overseas are exempted.
- (3) For any foreign crew employed domestically, a copy of the Resident Certificate or the current Ocean Fishing Employment Permit shall be enclosed. For any foreign crew employed overseas, a copy of the permit for recruitment by the current fishing vessel shall be enclosed.
- (4) One copy of a valid Certificate for Physical Examination of Fishing Vessel Crew Member

issued by the medical institution as stipulated in paragraph 1 of Article 10.

(5) The original Certificate of Fishing Vessel Officer previously obtained, which will be returned after cutting the corner thereof.

#### Article 15-2

Where a crew member who serves onboard an authorized distant water fishing vessel applies for the renewal of his/her Certificate of Fishing Vessel Officer but fails to submit the original Certificate of Fishing Vessel Officer in accordance with sub-paragraph (2) of paragraph 1 of the preceding Article due to operating at sea, the National Identification, Resident Certificate, passport, or driver license may be used for substitute. For any crew member that fails to submit a Certificate for Physical Examination as referred to in sub-paragraph (4) of paragraph 1 of the preceding Article, he/she shall provide the certificate within one month after returning to the Republic of China.

#### Article 16

Any fishery operator that employs a foreign crew member in accordance with the Employment Service Act shall, within 15 days after obtaining the Permit for Recruitment issued by the Ministry of Labor, submit a completed application form together with the following documents to the municipal or county (city) competent authority commissioned by the central competent authority for the application of a Fishing Vessel Foreign Crew Identification:

- (1) Two photos in two-inch size that are taken within the recent one year and are half length, facing front, and without wearing a hat.
- (2) One copy of the passport or the Entry Certificate of the foreign crew member;
- (3) One copy of the Permit for Recruitment issued by the Ministry of Labor.

Where the Fishing Vessel Foreign Crew Identification of any foreign crew, within the period of its validity, is damaged or the numbers of relevant columns are deficient, the fishery operator concerned shall submit a completed application form and the following documents to the municipal or county (city) competent authority commissioned by the central competent authority for replacement:

- (1) Two photos in two-inch size that are taken within the recent one year and are half length, facing front, and without wearing a hat;
- (2) The original Fishing Vessel Foreign Crew Identification previously obtained.

Where the Fishing Vessel Foreign Crew Identification of any foreign crew is lost within the period of its validity, the fishery operator concerned shall submit a completed application form and the following documents to the municipal or county (city) competent authority commissioned by the central competent authority for reissuance:

- (1) Two photos in two-inch size that are taken within the recent one year and are half length,

facing front, and without wearing a hat;

- (2) The original and one copy of Resident Certificate. The original will be returned after verification;
- (3) Declaration of loss.

The validity of the Fishing Vessel Foreign Crew Identification shall not exceed that of employment permitted by the Ministry of Labor. The expiry date of the replaced and reissued Fishing Vessel Foreign Crew Identification as referred to in the preceding two paragraphs shall be the same as the expiry date of the Identification previously obtained.

#### Article 17

Where the Fishing Vessel Crew Identification or Certificate of Fishing Vessel Officer, within the period of its validity, is damaged or the numbers of relevant columns are deficient, the crew member concerned shall submit a completed application form and the following documents for replacement:

- (1) Two photos in two-inch size that are taken within the recent one year and are half length, facing front, and without wearing a hat.
- (2) The original Fishing Vessel Crew Identification or Certificate of Fishing Vessel Officer previously obtained.

Where the Fishing Vessel Crew Identification or Certificate of Fishing Vessel Officer is lost within the period of its validity, the crew member concerned shall submit a completed application form and the following documents for reissuance:

- (1) Two photos in two-inch size that are taken within the recent one year and are half length, facing front, and without wearing a hat.
- (2) The original one copy of National Identification or Resident Certificate. The original will be returned after verification.
- (3) Declaration of loss.

For any crew member that applies for the replacement or reissuance of the Fishing Vessel Crew Identification in accordance with the preceding two paragraphs and whose latest record as shown in the column "Change of Position" on the Fishing Vessel Crew Identification is found to be unemployed, a letter of employment commitment verified by the fishermen's association concerned shall be submitted. However, any crew member that is without the employment agreement as referred to in Article 9, paragraph 1 ; or that is under the circumstances as stipulated in sub-paragraph (1) or (2) of paragraph 1 of Article 11-1, is exempted.

The expiry date of the replaced and reissued Fishing Vessel Crew Identification or Certificate

of Fishing Vessel Officer as referred to in paragraph 1 and paragraph 2 shall be the same as the expiry date of the Identification or Certificate previously obtained.

#### Article 17-1

Where a crew member transfers to serve on board another fishing vessel or changes his/her position, or the employment agreement is terminated, the crew member concerned shall apply for the modification registration of the Fishing Vessel Crew Identification within seven days after the occurrence of such modification.

For a foreign crew member recruited within the territory of the Republic of China and transferring to serve on board another fishing vessel, both the former and the new fishery operators shall apply for the modification registration of the Fishing Vessel Foreign Crew Identification within seven days after the occurrence of such modification.

#### Article 18

For any application of internship on a fishing vessel, the school or training institute concerned shall tabulate the applications and submit to the municipal or county (city) competent authority which is commissioned by the central competent authority and which is the registry of the said fishing vessel, for the issuance of Fishing Vessel Intern Crew Member Identification with a prescribed period of validity.

#### Article 19

Any officer that is under any of the following circumstances shall not serve onboard a fishing vessel of 12 meters or above in length:

- (1) An imposed disposition of suspending the Certificate of Fishing Vessel Officer has not yet been completed.
- (2) Two years have not passed since the Certificate of Fishing Vessel Officer is withdrawn.

#### Article 20

Any person that is under any of the following circumstances shall be denied the issuance or renewal of Fishing Vessel Crew Identification or Certificate of Fishing Vessel Officer:

- (1) Two years have not passed since a person is subject to the withdrawal of the Fishing Vessel Crew Identification or Certificate of Fishing Vessel Officer pursuant to the Act.
- (2) Four years have not passed since a person is subject to the revocation of the Fishing Vessel Crew Identification or Certificate of Fishing Vessel Officer pursuant to the Act for Distant Water Fisheries.

#### Article 21

For any person who holds the Certificate of Fishing Vessel Officer issued in accordance with

the amendment of these regulations promulgated on 29 June 2001 but does not apply for the renewal of the said Certificate before 30 June 2006, he/she may apply for Certificate of Fishing Vessel Officer of the new system prior to 23 May 2014. The relevant application procedures and required documents are as shown in Appendix 4.

### Chapter III Manning, Accountabilities, and Watch-keeping for Crew Members

#### Article 22

The minimum numbers of crew members and officers for any fishing vessel of 20 tonnages or above are prescribed in Appendix 5.

#### Article 23

The rankings of officers' positions as stipulated in Article 4 shall be ranked in sequence from high to low as follows, and any officer that assumes a position of higher ranking order may assume a position of lower ranking order:

- (1) Navigation section: first level captain, first level mate, second level captain, second level mate, third level captain, third level mate.
- (2) Engineering section: First level chief engineer, first level second engineer, first level engineer, second level chief engineer.
- (3) Telecommunication section:
  - i. GMDSS radio station: GMDSS radio electronic operator, GMDSS general operator, GMDSS restricted operator.
  - ii. Non-GMDSS radio station: First grade telephone operator, second grade telephone operator.

Any officer of navigation or engineering section assuming a lower ranking order position who obtains the approval after applying, through his/her fishery operator, to the municipal or county (city) competent authority concerned may act for the officer whose position is one ranking higher than him/her. Exceptionally, a second level mate may act for first level mate; a third level captain may act for second level captain; and a first level engineer may act for first level chief engineer. The cumulative term of acting-for shall not exceed three years.

Any crew member of 18 years of age serving on a fishing vessel other than a fishing raft and a sampan for one year who obtains the approval after applying, through his/her fishery operator, to the municipal or county (city) competent authority concerned may act for third level captain or second level chief engineer. The cumulative term of acting-for shall not exceed two years.

Any foreign crew member employed overseas or in accordance with the Employment Service Act that meets the qualifications as stipulated in the preceding paragraph and serves on board a fishing vessel with a Distant Water Fisheries Permit and 750 or less kilowatts of the thrust

power of main engine may act for second level chief engineer. The cumulative term of acting-  
for shall not exceed two years.

#### Article 24

A captain shall be held accountable for affairs relating to safety and management of a fishing vessel and be in charge of the following duties:

- (1) To verify if all crew members carry a valid Fishing Vessel Crew Identification, Fishing Vessel Foreign Crew Identification, or Certificate of Fishing Vessel Officer.
- (2) To supervise and direct all crew members to conduct navigation activities and fishery operations. In case of more than two fishing vessels jointly operating as a group, the captain(s) of the subsidiary fishing vessel(s) shall obey the command of the captain of the main fishing vessel.
- (3) To select fishing grounds, decide operation locations, and instruct fishing techniques.
- (4) To manage the use and maintenance of fishing gears and navigational and fishing equipment.
- (5) To have the full knowledge of the structure and functions of the fishing vessel and at all times to be aware of relevant safety examinations. The outgoing captain shall hand over the aforementioned knowledge of the fishing vessel and relevant records to the successor.
- (6) To proceed with immediate rescue in case of other fishing vessel(s) calling for help, unless the fishing vessel itself is also in danger.
- (7) To take good care of all legal proofs and documents pertaining to the fishing vessel.
- (8) To keep entry of and examine the deck logbook and fishing logbook at all times.
- (9) To instruct interns and assess their performance.
- (10) To completely and accurately record on the deck logbook the whole story, time, and location in case of any of the following circumstances and submit such record to the competent navigation and fishery authorities at which the port of first arrival of the fishing vessel is located:
  - i. Having encountered maritime distress and danger.
  - ii. Having discovered the collision or casualty of other vessel(s).
  - iii. Having rescued vessel(s) or person(s) in maritime distress.
  - iv. Having imposed disposition on any crew member for his/her negligence.
  - v. Having encountered the accident that any crew member is missing, dead, injured or infected with contagious disease;
  - vi. vi. Having experienced other important matters.
- (11) To prepare a sea protest in accordance with Article 66 of the Seafarer Act.
- (12) To provide observers and inspectors with necessary and adequate assistance for carrying out their duties.
- (13) To conduct any matter assigned by the competent authority.

Where a fishing vessel has deployed a mate on board, the duty as referred to in sub-paragraph (4) of the preceding paragraph shall be conducted by the said mate.

#### Article 25

A mate shall, pursuant to the command of a captain, assist with navigation of fishing vessel, manage deck affairs, and direct all levels of crew members of navigation section to conduct operations and internship tasks.

Where a captain dies or cannot carry out his/her duties for any reason during navigation and no successor has ever been appointed, the mate who holds the highest ranking order among officers of navigation section shall act for the captain.

#### Article 26

A chief engineer shall, pursuant to the command of a captain, supervise and direct the operations of engineering section, and be in charge of the following duties:

- (1) To manage the use and maintenance of the engines.
- (2) To examine all parts of the machine components before leaving a port or after arriving at a port.
- (3) To supervise crew members of the engineering section to conduct repair works that are able to be done on their own.
- (4) To immediately examine all parts of machine components and the functions, report to the captain, and record examination results on the engine logbook when the fishing vessel has collided or grounded.
- (5) To have the full knowledge of and to keep record of the engine functions. The outgoing chief engineer shall hand over the aforementioned knowledge of the engine functions and relevant records to the successor.
- (6) To supervise interns in the engineering section and assess their performance.
- (7) To completely and accurately record on the engine logbook the whole story, time, and location in case of any of the following circumstances and submit such record, through the captain, to the competent navigation and fishery authorities at which the port of first arrival of the fishing vessel is located:
  - i. Having experienced serious malfunction of engines or catastrophic accident of the engine room.
  - ii. Having given to other vessel(s) any fuel or spare machine component(s) in order to rescue the said vessel(s) or taken from other vessel(s) any fuel or spare machine component(s).
  - iii. Having encountered other important matters relevant to the engineering section.

#### Article 27

Both first level second engineer and first level engineer shall, pursuant to the command of a

first level chief engineer, assist with affairs relating to the engineering section and be in charge of the trainings for interns of the engineering section. Where a first level chief engineer cannot carry out his/her duties for any reason, the first level second engineer of the fishing vessel shall act for the first level chief engineer.

#### Article 28

A telecommunication operator shall, pursuant to the command of a captain, be responsible for all affairs relating to telecommunications and be in charge of the following duties:

- (1) To take care of communication equipment and documents relating to plain and secret codes and relevant laws or regulations on telecommunications.
- (2) To listen to and record broadcast on fishery weather forecasting and fishing conditions, and report to the captain at all times.
- (3) To report fishing vessel's positions to coast radio station.
- (4) To communicate with designated agencies in accordance with prescribed time.
- (5) To abide by relevant regulations on telecommunications.
- (6) To immediately report to the captain for further instructions and completely and accurately record relevant information on the logbook of telecommunications in case of any of the following circumstances:
  - i. Having received rescue signal(s) from other vessel(s);
  - ii. Having received any instruction on navigation from coast radio station;
  - iii. Having received emergency notification from other unit(s);
  - iv. Having received telecommunications data on the trend of inclement weather;
  - v. Having received codes for notification from coast radio station or other vessel radio station, which might affect the safety of the fishing vessel.
- (7) To conduct any other matters temporarily assigned by captain.
- (8) To avoid any communication with any non-designated agency, except for the communication with other domestic coast radio station(s) or domestic vessel radio station(s) which is under the direction or permission of the captain and necessary for operation and navigation safety.
- (9) Other matters relating to telecommunications.

For any fishing vessel which has not deployed a telecommunication operator on board, the duties of telecommunication operator shall be conducted by an officer who has taken trainings relating to telecommunications.

#### Article 29

Any ordinary crew shall be supervised and directed by the captain and relevant officers to engage in operations..

### Article 30

Any crew member shall conduct the navigational watch-keeping, engine-room watch, or radio watch in accordance with relevant regulations of international standards.

## Chapter IV Obligations for Crew Members

### Article 31

No crew member shall conduct any of the following behaviors:

- (1) To engage in any unapproved fishery activity or to illegally engage in any non-fishery activity under the cover of fishery operation at sea.
- (2) To engage in double application, fraudulent use, or lending of the Fishing Vessel Crew Identification or Certificate of Fishing Vessel Officer.
- (3) To gather a crowd intimidating with slowdown or strike, or to intentionally sabotage the fishing vessel or fishing gears, while operating at-sea.
- (4) To be absent without permission or to put off the return to the fishing vessel after expiry of leave.
- (5) To result in the distress or abduction of other vessel due to the lack of cooperation or demand for extortionate prices.
- (6) To evade, obstruct, or refuse any observer or inspector for carrying out his/her duty.
- (7) To engage in any other activity that violates relevant laws or these Regulations.

### Article 32

Any officer shall completely and accurately record information on fishing area, catch data, sea condition, and matters relating to fishery surveys on a daily basis in accordance with relevant laws and regulations.

## Chapter IV-I Duties for Observers and Inspectors

### Article 32-1

The central competent authority may designate observer(s) to board a fishing vessel for carrying out the following duties:

- (1) To verify the authenticity of data filled in by the captain of the fishing vessel.
- (2) To verify whether or not the operation of the fishing vessel has complied with laws and regulations.
- (3) To collect information and biological samples as instructed.
- (4) To report the relevant information at the time and in the way as instructed , and in case of emergency, make immediate report.
- (5) Any other specified matters.

Any observer that has carried out the duties as prescribed in the preceding paragraph shall be deemed as having the working experices in the navigation section.

#### Article 32-2

Any fishery operator shall, in addition to providing observer(s), while onboard the fishing vessel, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel, instruct the captain and crew members of the fishing vessel matters regarding the necessary cooperation with and assistance for the observer(s) to carry out his/her duties

#### Article 32-3

The central competent authority may designate inspector(s) to carry out onboard the following duties:

- (1) To inspect whether fishing vessels flagged Republic of China comply with the domestic laws and regulations or the conservation and management measures of regional fisheries management organizations while operating in respective oceans;
- (2) To conduct fishery patrol on board a government vessel for the purpose of boarding and inspecting fishing vessels, collecting photographic evidence, and completing the boarding and inspection form for return;
- (3) To educate personnel on board the fishing vessel about the regulations for operating in respective oceans;
- (4) To implement international tagging programs or relevant conservation collaboration programs;
- (5) To assist in updating (installing) electronic logbook reporting software and training the captain to report catches through the vessel monitoring system (VMS); and
- (6) Any other specified matters.

The inspector's performance of the duties specified in the preceding paragraph shall be deemed as having working experiences in the navigation section.

### Chapter V Supplemental Provisions

#### Article 33

When deemed necessary, the central competent authority may commission the municipal or county (city) competent authority to retrieve the Fishing Vessel Crew Identification or Certificate of Fishing Vessel Officer.

#### Article 34

Formats of Fishing Vessel Crew Identification, Certificate of Fishing Vessel Officer, declarations, and any application form as referred to in these Regulations shall be prescribed by the central competent authority.

## Article 35

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

---

Files: Regulations on the Management of the Crew of Fishing Vessels.odt

---

Attachments: Appendix 2.odt  
Appendix 3.odt  
Appendix 6.odt

---

Data Source: Laws and Regulations Retrieving System