

Directions on the Disposal of the Fins of the Shark Catches of Fishing Vessels

Legislative History

1. Promulgated on 19 January 2012 by Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 1011330088, and became effective on the date of promulgation.
2. Article 4, 6 and 7 amended on 2 October 2013 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 1021337351, and became effective on the date of promulgation.

Article 1

For the purpose of conservation and sustainable utilization of shark resources, the fins of sharks shall be disposed of in such a way that the fins are not fully cut off and naturally attached to the carcass of shark (hereinafter referred to as “fins naturally attached”), and these Regulations are hereby established pursuant to Article 54, sub-paragraph (5) of the Fisheries Act (hereinafter referred to as “this Act”).

Article 2

For fishing vessels employing ice chilling method to preserve their catches of shark, the shark they have caught and retained shall be disposed of in such a way that the fins are naturally attached.

Article 3

For fishing vessels over 100 tons employing freezing method to preserve their catches of shark, the shark they have caught and retained shall be disposed of in accordance with the following requirements:

1. Before 30 June 2012, the ratio between the weight of fins and the weight of carcasses (hereinafter referred to as “Ratio of Fins”) shall not be over 5%.
2. From 1 July to 31 December 2012, the fins shall be tied to the carcass (hereinafter referred to as “tying of fins”).
3. From 1 January 2013, the fins shall be naturally attached.

Article 4

For fishing vessels under 100 tons which employ freezing method to preserve their catches of shark, the shark they have caught and retained shall be disposed of in accordance with the following requirements:

1. Before 31 December 2012, the ratio of fins shall not be over 5%.
2. From 1 January 2013, for shark catches carried back by their catching vessels, the fins shall be naturally attached, or alternatively the pectoral fins, dorsal fins and caudal fin shall be tied to the corresponding carcass.
3. For shark catches referred to in the preceding sub-paragraph shipped back on consignment by carrier vessels, cargo vessels or aircraft, the fins shall be naturally attached or alternatively the dorsal fins and pectoral fins shall be tied to the corresponding carcass, while the caudal fins may be stored separately. The caudal fins and carcasses shall be transshipped and offloaded concurrently; in addition, the number of caudal fins shall be consistent with that of carcasses.

Article 5

Fishing vessel shall accept boarding and inspection exercised by the personnel from the competent authority of the central government, municipality, county, township or the Coast Guard Administration,

and shall not evade, obstruct or refuse so without due reason.

Article 6

In the case of any of the following violations, pursuant to Article 65, sub-paragraph (7) of the Act, the fishery operator and the captain of the fishing vessel shall be liable to a fine of not less than NT\$ 30 thousand dollars but not more than NT\$ 150 thousand dollars:

1. Failure to comply with Article 2 from 1 April 2012 to 30 June 2013, where the fins are fully cut off, but having the ratio of fins not over 5%.
2. Failure to comply with Article 3, sub-paragraph (2), where the fins are fully cut off and not tied to the carcass, but having the ratio of fins not over 5%.
3. Failure to comply with Article 3, sub-paragraph (3) from 1 January 2013 to 30 June 2013 where the fins are fully cut off, but having the ratio of fins not over 5%.
4. Failure to comply with Article 4, sub-paragraph (2) from 1 January to 30 June 2013, where the fins are fully cut off and not tied to the carcass, but having the ratio of fins not over 5%.
5. Failure to comply with Article 4, sub-paragraph (3), where the caudal fins and carcasses were not transshipped and offloaded together concurrently, or the number of caudal fins is not consistent with that of carcasses.

Article 7

For any of the following violations, pursuant to Article 10 of the Act, the fishery license of the fishery operator and the Certificate of Fishing Vessel Officer or Fishing Vessel Crew Identification of the captain shall be subject to suspension for not more than one year; and in case of serious violations, the fishing license and the Certificate of Fishing Vessel Officer or Fishing Vessel Crew Identification will be subject to revocation:

1. Failure to comply with Article 2 before 30 June 2013 where the fins are fully cut off and the ratio of fins is over 5%.
2. Failure to comply with Article 3, sub-paragraph (1) or Article 4, sub-paragraph (1), where the fins are fully cut off and the ratio of fins is over 5%.
3. Failure to comply with Article 3, sub-paragraph (2), where the fins are fully cut off and not tied to the carcass and the ratio of fins is over 5%.
4. Failure to comply with Article 3, sub-paragraph (3) from January 1 to June 30, 2013 where the fins are fully cut off and the ratio of fins is over 5%.
5. Failure to comply with Article 4, sub-paragraph (2) from 1 January to 30 June 2013, where the fins are fully cut off and not tied to the carcass, and the ratio of fins is over 5%.
6. Failure to comply with Article 2, Article 3, sub-paragraph (3), Article 4, sub-paragraph (2) or (3) which provides for tying of the dorsal fins and pectoral fins to the carcasses as from July 1, 2013.

Article 8

These regulations shall not apply to the disposal of sharks caught by fishing vessels within the area of competence of international fisheries organizations and unloaded at foreign ports.