

# Operating Directions for CGA NPFC High Seas Boarding and Inspection Procedures

Formulated via official letter Shu-Hsun-Chih-Tzu No. 1080011903 dated May 23, 2019

Amended via official letter Shu-Hsun-Chih-Tzu No. 1130007305 dated March 26, 2024

- I. In order to facilitate the Coast Guard Administration of the Ocean Affairs Council (below, the “CGA”) and its subsidiary agencies in conducting North Pacific Fisheries Commission (below, “NPFC”) boarding and inspection procedures on the high seas, these Operating Directions are stipulated.
- II. These Operating Directions apply to the high seas within the area of the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (below, the “Convention Area”; as per Attachment 1).
- III. In order to ensure fishing vessels’ compliance with NPFC conservation and management measures (below, the “CMMs”), high seas boarding and inspection (below, “HSBI”) activities conducted under these Operating Directions apply to:
  - A. Fishing vessels flagged to the Republic of China (below, the “ROC”).
  - B. Fishing vessels flagged to countries that agree to apply the NPFC HSBI procedures in parallel with the ROC.

CGA Fleet Branch patrol cutters for implementing HSBI activities shall be registered NPFC-authorized inspection vessels, and shall fly, in clearly visible fashion and at the specified

location, NPFC inspection flags/pennants as designed by the Commission, as follows:

- A. Inspection flag: Flown at the mainmast of a patrol cutter.
  - B. Inspection pennant: Flown at the highest point or stern of a patrol cutter's launch.
- iv. Personnel assigned by CGA Fleet Branch to be responsible for HSBI operations (below, "inspection personnel") must have the status of judicial police; complete an HSBI training course administered by the Ministry of Agriculture's Fisheries Agency (below, the "FA"); obtain an FA-issued identify card (below, an "ID card"); and be registered as NPFC-authorized inspection personnel.
- v. Before conducting an HSBI procedure, inspection personnel shall implement the following notification operations:
- A. Use audible and visual signaling devices to inform the fishing vessel to stop for inspection; make contact with the fishing vessel via radio or other means, to inform the vessel that HSBI operations will be conducted in accordance with NPFC HSBI procedures; and assign dedicated personnel to collect evidence.
  - B. Actively provide the master of the fishing vessel with the CGA patrol cutter's name, international radio call sign, communication capability (frequencies), NPFC identification number, and other such information; and clearly state that the patrol cutter is authorized by the NPFC to conduct HSBI operations.

- C. Report the fishing vessel's nationality/flag, name, number, nautical location, onsite status, and other such information to the duty room of affiliated units of CGA Fleet Branch.
- VI. When conducting HSBI operations, inspection personnel shall:
  - A. Be in uniform; and present their CGA-issued service certificates and the FA-issued NPFC inspection personnel ID card.
  - B. Cooperate with FA inspector in inspecting documents and matters related to the fishing vessel's license, netting, equipment, records, facilities, fish catch, fish products, etc., so as to verify compliance with NPFC regulations.
- VII. Before boarding and inspecting a foreign-flagged fishing vessel on the high seas, inspection personnel shall first immediately report to their superior commanding unit; and must handle the situation in accordance with the CGA's regulations on the procedures for major (unusual) situation reports.
- VIII. Once the CGA's Command Center receives a situation report from the inspection personnel in accordance with the preceding Article, the Command Center shall fill out the related form (as per Attachment 2) and immediately notify the authorities of the fishing vessel's flagged country via email or fax, as listed on the NPFC website, as well as the National Security Council, National Security Bureau, Ministry of Foreign Affairs, and FA.
- IX. In the event that HSBI procedures meet with evasion, obstruction, or refusal of inspection, the inspection personnel shall take the following measures:

- A. The inspection personnel shall collect evidence regarding the fishing vessel's position, relative orientation, course, speed, and non-compliance status; such personnel shall do so throughout the entire process, and shall record said information in a logbook.
- B. The above evidentiary information shall be reported to the CGA via the Duty Command Center reporting system; and the CGA Duty Command Center shall relay such information to the FA.

When the circumstances in the preceding paragraph exist with an ROC-flagged fishing vessel, the CGA patrol cutter may conduct continuous, nonstop pursuit; order the vessel to halt and receive inspection; and otherwise handle the situation appropriately in compliance with the FA.

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- XI. Prior to conducting HSBI procedures, inspection personnel may use broadcast means to request that the fishing vessel to be inspected provide a boarding ladder that complies with NPFC regulations.
- XII. In carrying out HSBI procedures, inspection personnel shall comply with the CGA Operating Regulations for Law Enforcement in Sea Areas, Chapter 4, Sections 2 and 3, and shall pay attention to the following matters:
  - A. The use of force shall be avoided; however, when inspection personnel's safety is under threat, when necessary, inspection personnel may use reasonable force.
  - B. HSBI procedures shall, to the greatest extent possible, be conducted so as not to interfere with legal fishing operations, and avoid action that would adversely affect the quality of the catch.
  - C. Unless evidence of a serious violation is found, inspection operations must be completed within 4 hours.
  - D. If no evidence of a serious violation is found, then after inspection is complete, inspection personnel shall leave the vessel as quickly as possible.

Any incident involving the use of force shall be immediately

reported to the CGA for forwarding to the FA, which shall notify the authorities of the fishing vessel's flagged country and the NPFC Secretariat.

- XIII. When implementing HSBI procedures with a foreign-flagged fishing vessel, inspection personnel shall abide by the following principles:
  - A. To the greatest extent possible, communicate with the master of the fishing vessel in a language that the master can understand. When necessary, inspection personnel shall use the Standardized Multi-Language Questionnaire (as per Attachment 3) announced on the NPFC website.
  - B. Do not interfere with the master's ability to communicate with the authorities of the fishing vessel's flagged country.
  - C. Do not adopt means that create problems for the fishing vessel, its officers, or its crew.
  - D. Fill out the NPFC Boarding Report (as per Attachment 4) together with the FA inspector, and co-sign the report.
- XIV. When implementing HSBI procedures with an ROC-flagged fishing vessel, inspection personnel shall co-sign the FA boarding and inspection record sheet filled out by the FA inspector.
- XV. Once HSBI procedures are complete but prior to leaving the inspected fishing vessel, and whether or not any violation of the regulations is discovered, the CGA inspection personnel shall, along with the FA inspector, confirm that all the vessel master's objections and statements are recorded in the Boarding Report

as referred to in Article 13, subparagraph 4, or the boarding and inspection record sheet referred to in the preceding Article. A copy of the report/record sheet shall also be provided to the master prior to leaving the vessel.

- XVI. Once HSBI procedures are complete, that same day, the inspection personnel shall report the documents and information for the HSBI (including the report/record sheets referred to in Articles 13 and 14) to the CGA via the Duty Command Center's reporting system.

After completing HSBI procedures on a foreign-flagged fishing vessel, the CGA shall provide the report referred to in Article 13, subparagraph 4 to the FA, so as to help the FA, within 3 working days, in preparing and providing a full HSBI report to the authorities of the inspected fishing vessel's flagged country, as well as the NPFC Secretariat.