

Reference Table of Penalty Standards for Enforcement Against Mainland Chinese Vessels Crossing Maritime Boundaries

Discretionary Factors for Fishing Operations				
Quantity of Fish Catch	Type of Waters	Roller-Type Fishing Gear	Discretionary Weighting = N	Calculation Method for the Amount of the Fine
500 kg or more	Prohibited Waters	Yes	N = 100%	Fine amount = F; minimum fine for the tier = L; maximum fine for the tier = M $F = L + (M - L) \times N$
		No	N = 70%	
	Restricted Waters	Yes	N = 50%	
		No	N = 50%	
100 kg or more but less than 500 kg	Prohibited Waters	Yes	N = 70%	
		No	N = 50%	
	Restricted Waters	Yes	N = 50%	
		No	N = 35%	
Less than 100 kg	Prohibited Waters	Yes	N = 50%	
		No	N = 35%	
	Restricted Waters	Yes	N = 35%	
		No	N = 0	
Discretionary Factors for Sand-Dredging Vessels				
Quantity of Unauthorized Sand and Gravel Extraction	Type of Waters	Discretionary Weighting = N	Calculation Method for the Amount of the Fine	
1,000 metric tons or more	Prohibited Waters	N = 100%	N = 70%	Fine amount = F; minimum fine for the tier = L; maximum fine for the tier = M $F = L + (M - L) \times N$
	Restricted Waters	N = 70%		
500 metric tons or more but less than 1,000 metric tons	Prohibited Waters	N = 50%	N = 50%	
	Restricted Waters			
Less than 500 metric tons	Prohibited Waters	N = 35%	N = 35%	
	Restricted Waters			
Other Discretionary Factors		Discretionary Weighting = N	Calculation Method for the Amount of the Fine	
Previously expelled		N = 35%	Fine amount = F; minimum fine for the tier = L; maximum fine for the tier = M $F = L + (M - L) \times N$	
Where the vessel name has been painted over, concealed, or is absent				
Ineffective expulsion		N = 50%		
Refusal to stop for inspection or resistance to detention				
Previously detained and penalized		N = 70%		
Illegal sale of fuel oil, or failure to take appropriate measures to prevent fuel oil discharge while loading or unloading fuel oil				
Other illegal acts				
Notes				
<p>1. "Roller-type fishing gear" refers to trawl gear with a frame (roller or drum) of at least 25 cm in diameter attached to the sinker line (footrope).</p> <p>2. A vessel shall be deemed to have a prior record of expulsion, detention, or penalty if it has been subject to any such measure at least once.</p> <p>3. Any of the following circumstances shall constitute ineffective expulsion:</p> <p>(1) The vessel remains at the original location after expulsion.</p> <p>(2) The vessel delays departure without legitimate reason after expulsion.</p> <p>(3) The vessel has a record of expulsion within the preceding 24 hours.</p> <p>(4) The vessel has two or more records of expulsion.</p> <p>(5) The vessel engages in noncooperative or hostile conduct after expulsion.</p> <p>(6) Any other circumstance determined to constitute ineffective expulsion based on on-site enforcement conditions.</p> <p>4. "Refusal to stop for inspection or resistance to detention" means refusing to stop the vessel after three or more broadcast orders to stop, or clearly failing to cooperate with inspection, law enforcement, or detention procedures after boarding and inspection. Where obstruction of boarding and inspection or resistance to detention reaches the threshold for the offense of obstructing official duties, the case shall be referred to the competent District Prosecutors Office for investigation.</p> <p>5. Where a Mainland vessel crossing maritime boundaries falls under two or more discretionary factors in this table, the fine shall be calculated cumulatively, provided that the fine shall not exceed the maximum amount for the applicable tier.</p> <p>6. The imposition of fines shall be determined with due consideration in accordance with Article 18 of the Administrative Penalty Act.</p>				