

法規名稱：AGREEMENT CONCERNING THE FACILITATION OF COOPERATION ON LAW ENFORCEMENT IN FISHERIES MATTERS BETWEEN THE TAIPEI ECONOMIC AND CULTURAL OFFICE IN THE PHILIPPINES AND THE MANILA ECONOMIC AND CULTURAL OFFICE IN TAIWAN

簽訂日期：民國 104 年 11 月 05 日

生效日期：民國 104 年 12 月 06 日

The Taipei Economic and Cultural Office in the Philippines (TECO) and the Manila Economic and Cultural Office in Taiwan (MECO), herein referred to as the “ Parties ” ;

Desiring to facilitate the effective cooperation between the law enforcement authorities of both Parties on fisheries matters by establishing a mechanism on the basis of mutual respect, reciprocity, and mutual benefit;

Adhering to their respective laws, regulations as well as international law and practice;

Have concluded an understanding as follows:

Article 1

Scope of cooperation

1. The Parties shall, in accordance with this Agreement and their respective laws, exert best efforts to provide mutual assistance through their respective relevant authorities in connection with law enforcement proceedings related to fisheries matters.
2. Such cooperation shall include:
 - a) establishing a law enforcement cooperation mechanism;
 - b) establishing an emergency notification system;
 - c) establishing a prompt release mechanism;
 - d) any other form of cooperation consistent with their respective laws.

Article 2

Avoiding the use of violence or unnecessary force

The relevant authorities of the Parties shall avoid using violence or unnecessary force in the implementation of their fisheries laws and other relevant regulations consistent with international law and practice.

Article 3

Establishment of a law enforcement cooperation mechanism

1. For the establishment of a law enforcement cooperation mechanism, the Parties agree to respectively undertake the following:
 - a) Set up special contact windows and hotlines.
 - b) Notify, without delay, the other Party when a fishing boat of the other Party is in breach of the provisions of the Agreement and of the action taken by its law enforcement agencies against fishing vessels from the other Party. The other Party shall respect the notifying Party ' s notification.
 - c) Provide the other Party with a results report of the law enforcement action taken against said Party ' s fishing vessel.
 - d) Formulate other concrete measures of cooperation, including sharing of law enforcement methods and procedures and relevant laws and regulations.
2. The Parties shall advise their respective law enforcement agencies to observe the international law and practice of not using imprisonment or any other form of corporal punishment in the implementation and enforcement of fisheries laws and regulations and of the need of clear markings and identification in their vessels.

Article 4

Establishment of an emergency notification system

1. The Parties shall update and confirm the contact windows and hotlines of their respective fisheries agencies and establish

contact windows and hotlines for their competent coast guard agencies.

2. When relevant authorities of one Party takes law enforcement action against fishing vessels from the other Party, the first party shall, without delay, inform the pertinent fisheries and coast guard agencies of the other Party of the methods, procedures, and follow-up measures employed, to which information such other Party may convey its reply.
3. Both Parties confirm the implementing details of the emergency notification system, including time of notification, timeframe in which notification must be given, notification methods, and notification procedures.

Article 5

Establishment of a prompt release mechanism

1. Both Parties confirm the procedures for the prompt release of arrested fishing vessels and their crew.
2. Procedures for the prompt release of arrested vessels:
 - a) When the relevant authority of one Party arrests a fishing vessel from the other Party, the first party shall without delay inform the other Party of the arrest.
 - b) The arrested vessel and its crew shall be released without delay after posting of a reasonable bond or other security consistent with international law and practice, or the payment of fine in accordance with the law of the Party, whose relevant authority made the arrest.
 - c) The arrested vessel and its crew shall be treated in an appropriate manner during the period of detention.
3. The Parties shall inform their respective relevant authorities of the procedures for prompt release of arrested vessels and their crew.
4. The Parties shall share with each other the maritime, fisheries, and conservation laws and regulations their respective relevant authorities refer to when taking law enforcement action, as well as the time, procedures, content

and methods of these actions.

Article 6

Consultations

1. Both Parties shall consult each other to promote the most effective use of this Agreement, and provisional arrangement on fisheries cooperation, including management and conservation scheme for fishery operations, and their respective maritime monitoring areas. The Parties may also agree on such practical measures as may be necessary to facilitate the implementation of this Agreement.
2. Both Parties shall establish a Technical Working Group (TWG) composed of an equal number of representatives from both Parties as may be agreed upon.
3. Both Parties, through the TWG, shall determine in detail the cooperation schemes and ways to implement the areas of cooperation mentioned in this Agreement.
4. The TWG shall meet annually, alternately hosted by each Party, with the representative from the host as chairman of the meeting. Whenever necessary, an interim meeting or consultation may be held subject to the agreement between both Parties.
5. The agenda of the meeting shall be mutually agreed upon by both Parties prior to the scheduled TWG or interim meetings.

Article 7

Effectivity, amendment and termination

1. This Agreement shall be effective thirty (30) days after the signing of this Agreement.
2. This Agreement may be amended upon the mutual written consent of both Parties.
3. Either Party may terminate this Agreement by means of a written notice to the other Party. Termination shall take effect six (6) months following the date of receipt of such notification.



IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE in duplicate in Taipei on the 5th day of November, 2015, in the Chinese and English languages, both versions being equally authentic.

Signed by

Taipei Economic and
Cultural Office in the
Philippines

Manila Economic and
Cultural Office in
Taiwan

Gary Song-Huann Lin
Representative

Antonio I. Basilio
Resident
Representative

Signed in the presence of :

Tsay, Tzu-Yaw
Director-General
Fisheries Agency
Council of Agriculture

Asis G. Perez
Director
Bureau of Fisheries and
Aquatic Resources

Amadeo R. Perez, Jr.
Chairman
Manila Economic and Cultural Office

Our Ref.: MM15-11-____

November 5, 2015

HON. GARY SONG-HUANN LIN

Representative

Taipei Economic and Cultural Office

in the Philippines

41/F Tower 1, RCBC Plaza

Ayala Avenue, Makati City

Dear Representative Lin:

I wish to propose that Attachments A and B, discussed and agreed by both sides during the First Technical Working Group (TWG) meeting on 5th November 2015 in the implementation of the Agreement (Facilitation of Cooperation on Law Enforcement in Fisheries Matters between MECO and TECO) be formally adopted by way of this Exchange of Letters and made part of the Agreement.

If this proposal is acceptable to your side, this letter and your letter in reply shall constitute an understanding between MECO and TECO, effective on the date of your reply.

With my best wishes.

Very truly yours,

ANTONIO I. BASILIO

Resident Representative

5th November, 2015

Hon. Antonio I. Basilio

Managing Director and Resident Representative
Manila Economic and Cultural Office in Taiwan
11/F, No. 176 Chang Chun Road
Taipei City, Taiwan, ROC

Dear Representative Basilio,

I have the honour to acknowledge receipt of your letter dated 5th November 2015 in regard to the adoption of the Attachments A and B by our two sides during the First Technical Working Group (TWG) meeting on 5th November 2015 in Taipei in the implementation of the Agreement Concerning the Facilitation of Cooperation on Law Enforcement in Fisheries Matters between the Manila Economic and Cultural Office (MECO) in Taiwan and the Taipei Economic and Cultural Office (TECO) in the Philippines, which reads as follows:

“ I wish to propose that Attachments A and B, discussed and agreed by both sides during the First Technical Working Group (TWG) meeting on 5th November 2015 in the implementation of the Agreement (Facilitation of Cooperation on Law Enforcement in Fisheries Matters between MECO and TECO) be formally adopted by way of this Exchange of Letters and made part of the Agreement.

If this proposal is acceptable to your side, this letter and your letter in reply shall constitute an understanding between MECO and TECO, effective on the date of your reply ”

In reply, I have the honour to accept, on behalf of TECO, the foregoing proposal and to confirm that the aforesaid letter and this reply letter shall constitute an understanding between TECO and MECO, effective on this date.

Accept, Honourable Representative, the assurances of my highest

consideration.

Dr. Gary Song-Huann Lin

Representative