

Operation Directions for Foreign Flag Ships Apply to Stay in Any Harbor or Port Other Than Those Announced as International Ports by the R.O.C.

Government

Amended and promulgated on August 2, 2019

- I. The Maritime and Port Bureau of the Ministry of Transportation and Communications (hereinafter referred to MPB) established the Operation Directions for implementing regulations on the berthing of foreign working vessels in ports other than international commercial ports based on special permission provided in Article 8 of the Law of Ships.
- II. Applicable scope of the Operation Directions:
  - (1) Foreign working vessels that are not registered in as Mainland Chinese vessels or owned by Mainland Chinese companies.
  - (2) Foreign working vessels built in Mainland China.
- III. Foreign working vessels shall provide the following documents to apply for special permits for operations:
  - (I) Application letter.
  - (II) Documents provided to the competent authority of the target industry:
    1. Marine engineering permit documents.
    2. Ships specified in Subparagraph 2 of the aforementioned Article shall also provide documents based on the "results of joint national security assessments" (documents proving that there exist no

national security concerns or documents from onboard inspections conducted after the vessel arrives in port).

3. The Ministry of Economic Affairs shall submit approval documents for vessel use or approval documents for extensions for vessels used in the construction of offshore wind power generation facilities.

(III) Shipping agency agreement.

(IV) Emergency response plans (approval letter of the competent authority of the fishing port must be obtained for plans that involve berthing in the fishing port).

(V) Marine engineering contracts, research plans, or other documents with equal validity. Applicants using documents with equal validity shall provide factual description and accept review. The documents with equal validity shall also be signed by the parties to the marine engineering project.

(VI) Marine engineering plan (including the construction site, work period, and progress schedule).

(VII) Non-self-owned ships shall provide the ship lease contract.

(VIII) Where the Law of Ships of its flag state is not applicable to the vessel, the ship shall provide a certificate of seaworthiness issued by the vessel inspection institution in its flag state. If a ship does not have the following documents, it shall provide factual explanation and accept reviews.

1. Ship nationality certificate .

2. International tonnage certificate of the ship (ITC).
3. Load line certificate (ILLC).
4. Cargo Ship Safety Construction Certificate (SC).
5. Cargo Ship Safety Equipment Certificate (SE).
6. Cargo Ship Safety Radio Certificate (SR).
7. International Oil Pollution Prevention Certificate (IOPP).
8. International Sewage Pollution Prevention Certificate (ISPP).
9. International Air Pollution Prevention Certificate (IAPP).
10. International Anti-Fouling System Certificate (AFS).
11. Safety Management Certificate (SMC).
12. Document of Compliance (DOC).
13. International Ship Security Certificate (ISSC).
14. Continuous Synopsis Record (CSR) of the ship.
15. Protection and Indemnity (P&I) insurance of the ship owner.
16. Crew List and color photographs of the vessel.
17. Vessels used for offshore wind power generation projects shall prepare related certificates in accordance with Article 7.

(IX) Applicant's affidavit for the following items regarding the vessel in this application (see Attachment 1 for the format of the affidavit):

1. No Mainland Chinese capital or Mainland Chinese vessel seafarers members or workers.

2. Related procedures shall be implemented during the special permit period and vessel seafarers shall depart from the country in accordance with the restrictions.

#### IV. Operating procedures for review

(I) Vessels built in Mainland China and verified as posing no national security concerns based on the "results of joint national security assessments":

1. The applicant shall provide the documents specified in the preceding Article.
2. MPB shall issue an approval letter after the application qualifies in the review.

(II) Vessels built in Mainland China for which inspections are required upon arrival in port based on the "results of joint national security assessments":

1. The competent authority of the target industry shall inspect the documents specified in the preceding Article after performing national security assessments in accordance with the Flowchart for Security Coordination and Review Mechanisms of Inter-Agency Cross Strait Exchange announced by the Executive Yuan.
2. MPB issues an approval letter for transit to international commercial ports or Mini Three Links ports after the application qualifies in the review.
3. After working vessels arrive in ports, they shall be inspected in accordance with the national security management and control

plans approved by the joint national security assessments, and records shall be formulated. The competent authority of the target industry shall deliver inspection records to MPB and only vessels that qualify in inspections may commence operations. For vessels that fail upon inspections, MPB shall issue a notice and request the vessel to leave the territorial waters of R.O.C. within a specified time.

- V. Vessels announced by the Bureau of Foreign Trade, Ministry of Economic Affairs as Mainland Chinese products that cannot be imported (MW0) may only commence operations after they submit the special import permit issued by the Bureau of Foreign Trade and the approval letter from MPB to the Customs Administration, Ministry of Finance to import the vessel.
- VI. In the event of changes in the operation items within the approved work period, the applicant shall actively file a written statement to ~~the~~ MPB and follow instructions of MPB for processing the changes.
- VII. The scope of work for foreign working vessels shall be the construction, maintenance, and decommissioning of offshore wind power generation facilities which shall be processed in accordance with the following regulations:
  - (I) They shall be required to obtain classification certificate issued by classification society commissioned by the competent authority.
  - (II) Applicants shall submit documents for the application in accordance with Article 3. The permit period shall be established based on the

duration specified in the vessel usage approval documents or extension documents provided by the Ministry of Economic Affairs.

- (III) Related documents submitted for the application may not be invalidated within the permit period. If the document is invalid, the vessel shall suspend operations and return to the international commercial port. The operation may be resumed after the correction.
- (IV) Offshore wind power generation developers may not use vessels that have not received permission for operations in offshore wind farms.
- (V) Regulations for the expiry of the permit period (operating procedures are provided in Attachment 2):
  1. Where an extension is not approved upon expiry, the vessel shall suspend operations, return to the international commercial port, complete clearance procedures, and leave the country.
  2. Vessels for which the work permit is obtained before the expiry or those for which extensions have been applied for twenty days prior to the expiry shall not be restricted by the aforementioned Item.
  3. Where the permit expires and a new application is filed, the vessel shall suspend operations, return to the international commercial port, and may only restart operations after obtaining approval from the Bureau.
- (VI) A roster of seafarers shall be attached, in which the ratio of seafarers members who are citizens of R.O.C. shall be at least one third of the personnel specified on the minimum safety manning certificate of the vessel. However, where the operator has issued a hiring

announcement for at least seven days and not enough domestic vessel seafarers members apply for the post or applicants do not qualify, the operator may provide a training plan for domestic vessel seafarers members (interns) (procedures and outline provided in Attachment 3) and submit the plan to MPB.

(VII) Regulations on insurance of the owner or operator:

1. The purchase of operator liability insurance, which may be replaced with the membership certificate of a protection and indemnity insurance club. The membership certificate shall be restricted to those issued by members of the International Group of P&I Clubs.
2. The operator shall purchase accident insurance for passengers other than vessel seafarers. Operators for passenger transportation shall meet requirements in the “Regulations of Liability Insurance and Passenger Accident Insurance Insured by Carriers”. The insurance items and the minimum insured amounts are as follows:
  - (1) Payment of medical expenses for injury: NT\$300,000 per person.
  - (2) Permanent disability payment: NT\$2,500,000 per person.
  - (3) Death payment: NT\$2,500,000 per person.
3. The owner or operator shall renew insurance policies when the insurance period in the two preceding Paragraphs expires.

(VIII) Vessels shall navigate within a fairway or waters designated by MPB, and they shall implement continuous use of the maritime

communication channel and vessel automatic identification system (AIS).

(IX) Emergency response plans for maritime disasters shall include reporting procedures and capacity for rescue.

(X) Requirements for vessels to report their entry into and exit from offshore wind farms:

1. The owner, operator, or agent of the vessel shall fill out the notice form for the vessel's entry into or exit from the offshore wind farm twenty-four hours before arrival and twelve hours before departure. The form shall include the estimated arrival or departure time, destination ports, crew list and working person, and other related information; it shall be delivered to MPB for reference. However, the vessel may apply for entry into or exit from the offshore wind farm at any time in the event of an emergency.
2. Where a vessel is required to enter and exit the offshore wind farm multiple times in one day, the operator may submit related documents to MPB to request approval. Such vessels shall not be bound by the restrictions in the preceding Item. However, the owner, operator, or agent of the vessel shall fill out the notice form for the vessel's entry into or exit from the offshore wind farm twenty-four hours before the vessel's first arrival therein. The form shall include the estimated number of trips for the current day, the estimated arrival or departure time for each trip for the current day, destination ports of each trip, crew list and working persons of



each trip, and other related information; it shall be delivered to MPB for reference.

3. The owner, operator, or agent of the vessel shall make accurate corrections in the event of changes in the preceding notice. However, such requirements shall not apply if the gap between the offshore wind farm entry and exit time is less than one hour from the estimated time.
4. However, where the owner, operator, or agent of the vessel connects to MPB through computer equipment, the notice form for the vessel's entry into or exit from the offshore wind farm and related information may be transmitted electronically.
5. Electronic information shall be deemed as delivered once it is recorded in the computer of MPB. Within five years starting from the day following the registration of electronic data in the computer, the owner, operator, or agent of the vessel may review the electronic data it transmitted and may apply for documents certifying the transmission time and contents of electronic data.

VIII. Where the foreign working vessels perform tasks related to laying or modifying submarine cables or pipelines (water, gas, and oil), they shall apply for permission from the Ministry of the Interior in accordance with the “Regulations of Permission on Delineation of Course for Laying, Maintaining, or Modifying Submarine Cables or Pipelines on the Continental Shelf of the Republic of China”. They

shall then apply for vessel permits with MPB in accordance with the Operation Directions.

- IX. Where the four offshore wind power generation facilities for which grid connection is to be completed by 2020 apply for the use of foreign vessels in the construction stage, except for personnel or cargo transportation vessels which must be R.O.C. vessels based on requirements in the Shipping Act and vessels used for ecological environment survey, marine animal observation, guard, measurement survey, maintenance etc., shall be given priority to use the domestic vessels. Other types of work vessels shall be exempted from Article VII regarding such as the classification certificate issued by the classification society entrusted by the Ministry of Transportation and Communications and the employment regulations for domestic seafarers. The exemption time is till to December 31, 2020 unless otherwise specified by the Ministry of Economic Affairs.

Affidavit

The company uses one vessel named \_\_\_\_\_ (vessel name) which was registered in \_\_\_\_\_ for the operating period from \_\_\_\_ (month) \_\_\_\_ (date), \_\_\_\_ (year) to \_\_\_\_ (month) \_\_\_\_ (date), \_\_\_\_ (year). The company warrants that:

- I. The company and the vessel have no direct or indirect investments from Mainland China.
- II. The vessel does not hire Mainland Chinese vessel seafarers members or workers.
- III. The vessel shall absolutely carry out procedures during the operations period and depart from the country in accordance with the regulations and restrictions.
- IV. During the operations period, the vessel shall actively provide notification in the event of changes in the original application items and follow instructions of the Bureau based on the approval of the Bureau.
- V. In the event of a violation of the above, the Company shall bear all legal responsibilities once such facts are verified.

Submitted to

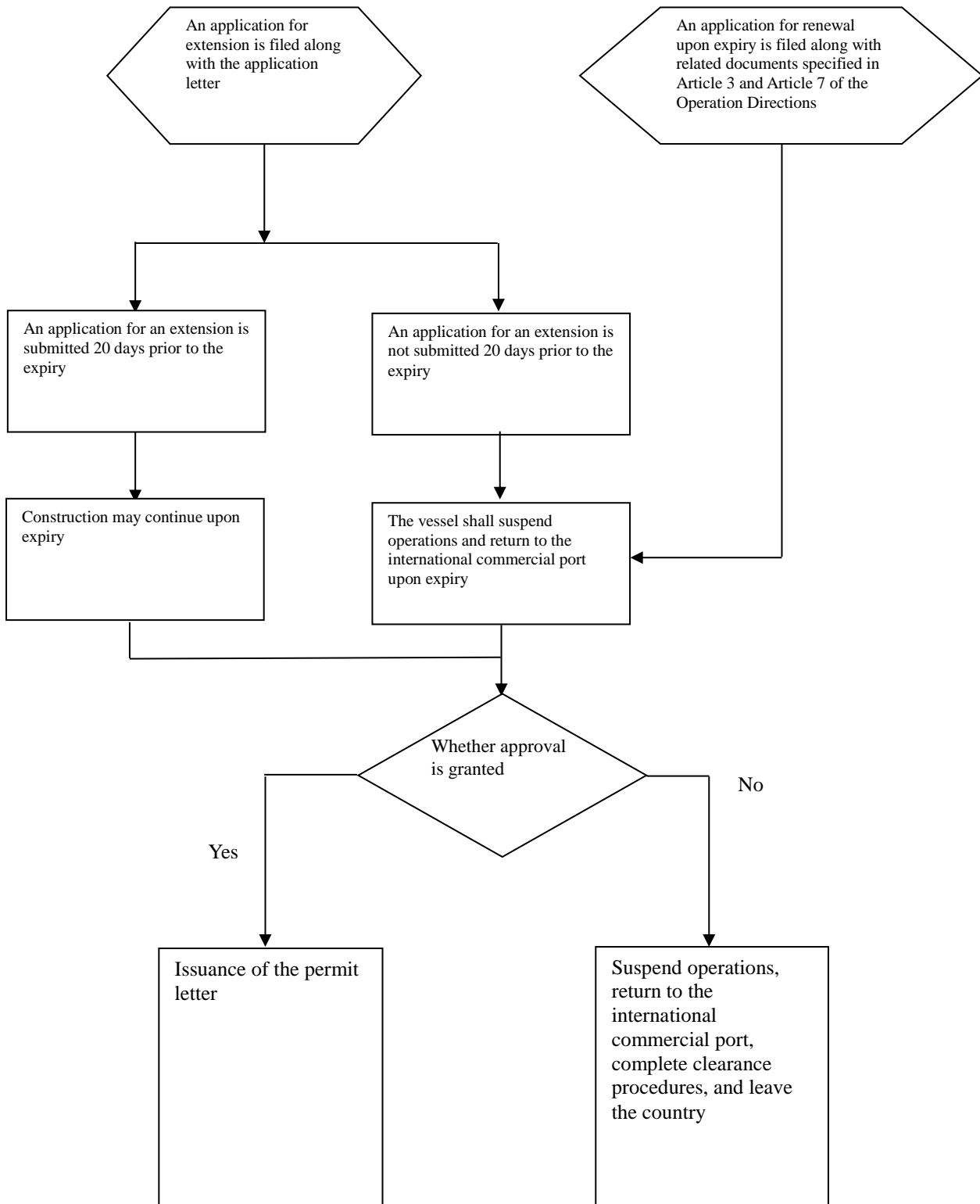
the Maritime Port Bureau, Ministry of Transportation and Communications (MOTC)

Company Name:

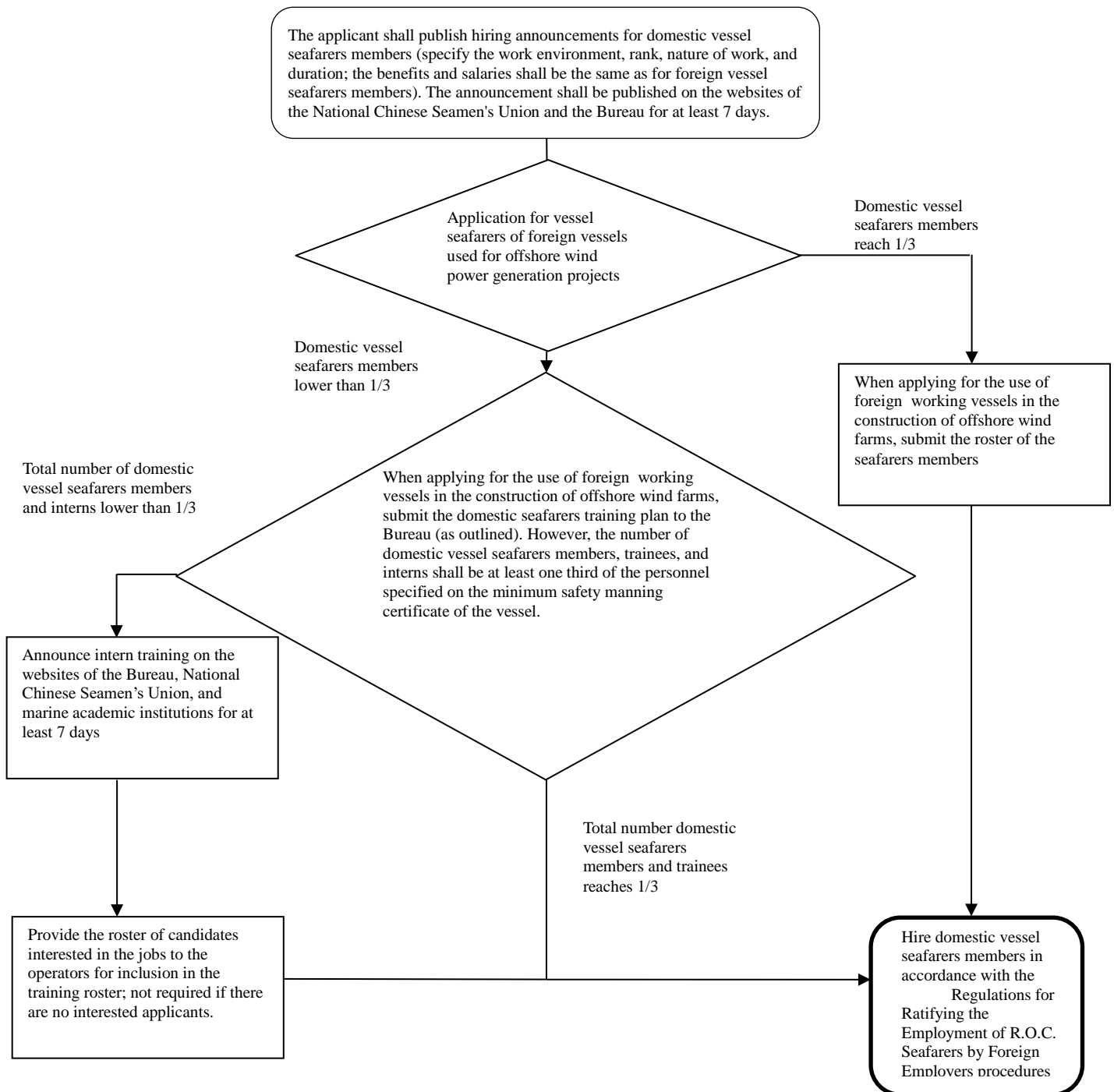
Name of person in charge:

\_\_\_\_\_(yyyy)\_\_\_\_(mm)\_\_\_\_(dd)

## Extension or Expiry Procedures for Foreign Working Vessels in the Construction of Offshore Wind Power Generation Facilities



# Application Procedures for Vessel Seafarers of Foreign Vessels Used for Offshore Wind Power Generation Projects (Page 1)



# **Application Procedures for Vessel Seafarers of Foreign Vessels Used for Offshore Wind Power Generation Projects (Page 2)**

## **Outline of the Domestic Vessel Seafarers (Intern) Training Plan**

- I. Goal: The Company has planned training courses, due to the special categories of offshore wind farm vessels or equipment or due to the lack of operation experience of domestic vessel seafarers, for domestic vessel seafarers members or interns to familiarize with the operations of offshore wind farm working vessels and gain operation experience.
- II. Vessel type, seafarers deployment, roles, and work schedule
- III. Reasons for which domestic vessel seafarers members cannot be hired
  - (I) Special system or equipment that must be operated by the vessel seafarers; operations that require special training, technology, certification, or operation experience
  - (II) Vessel seafarers qualifications, benefits, salary, work location, number (ratio) of the planned hiring of domestic vessel seafarers members, and number of domestic vessel seafarers members planned for training
  - (III) Submit documents certifying that the announcement has been published on the websites of the Bureau, National Chinese Seamen's Union, etc., for at least 7 days and no individual has applied for the job or applicants do not meet criteria
- IV. Training items, methods, schedule, and training contents for R.O.C. vessel seafarers members (interns)
  - (I) Training items (e.g., familiarity with safety and emergency response training, familiarity with vessel deployment and equipment, operation of dynamic positioning systems, methods and procedures for operations of professional equipment or machinery, maintenance of professional equipment or machinery, etc.)

- (II) Training methods (e.g., onshore or onboard training, guidance provided by current vessel seafarers members or outsourced professional institutions)
  - (III) Training schedule, contents, and number of hours (provide training course schedules if available)
  - (IV) Roster of trainees (or roster of interns)
- V. Roster of seafarers members currently employed and future hiring schedules and plans