

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

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- I. The Maritime and Port Bureau of the Ministry of Transportation and Communications (hereinafter referred to the Bureau) established the Operation Directions for implementing regulations on the berthing of non-domestic 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:
  - (I) Foreign working vessels that are not registered in as Mainland Chinese vessels or owned by Mainland Chinese companies.
  - (II) Foreign working vessels built in Mainland China.
- III. Non-domestic 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. However, if the maritime engineering permit document indicates the start and end dates of the operation, it is not required for enclosure. 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) Vessels and vessels subject to the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code) must possess the following valid documents:

1. Certificate of the ship's nationality.
2. International Tonnage Certificate (ITC). However, vessels with a length of less than 24 meters are exempted.
3. International Load Line Certificate (ILLC) or International Load Line Exemption Certificate. However, vessels with a length of less than 24 meters are exempted.
4. Cargo Ship Safety Construction Certificate (SC) or Cargo Ship Safety Certificate. However, those with a gross tonnage of less than 500 metric tons or without propulsive power are exempted.
5. Cargo Ship Safety Equipment Certificate (SE) or Cargo Ship Safety Certificate. However, those with a gross tonnage of less than 500 metric tons or without propulsive power are exempted.
6. Cargo Ship Safety Radio Certificate (SR) or Cargo Ship Safety Certificate. However, those with a gross tonnage of less than 300 metric tons or without propulsive power are exempted.
7. International Oil Pollution Prevention (IOPP) Certificate; unmanned non-self-propelled barges may use the International Oil Pollution Prevention Exemption Certificate for Unmanned Non-Self Propelled (UNSP) Barges instead. However, oil tankers with a gross tonnage of less than 150 metric tons or non-oil tankers with a gross tonnage of less than 400 metric tons are exempted.

8. International Sewage Pollution Prevention (ISPP) certificate; unmanned non-self-propelled barges may use the International Sewage Pollution Prevention Exemption Certificate for Unmanned Non-Self Propelled (UNSP) Barges instead. However, those with a gross tonnage of less than 400 metric tons and member capacity means all people on board less than 15 people are exempted.
9. International Air Pollution Prevention (IAPP) certificate; unmanned non-self-propelled barges may use an International Air Pollution Prevention Exemption Certificate for Unmanned Non-Self Propelled (UNSP) Barges instead. However, those with a gross tonnage of less than 400 metric tons are exempted.
10. International Anti-Fouling System Certificate (AFS). However, fixed or floating platforms, floating storage units (FSU), floating production storage and offloading (FPSO) or vessels with a gross tonnage of less than 400 metric tons are exempted.
11. Safety Management Certificate (SMC). However, those with a gross tonnage of less than 500 metric tons or without propulsive power are exempted.
12. Document of Compliance (DOC) pursuant to the International Safety Management (ISM) Code. However, those with a gross tonnage of less than 500 metric tons or without propulsive power are exempted.

13. International Ship Security Certificate (ISSC). However, those with a gross tonnage of less than 500 metric tons or without propulsive power are exempted.
  14. Continuous Synopsis Record (CSR) of the ship. However, those with a gross tonnage of less than 500 metric tons or without propulsive power are exempted.
  15. Protection and Indemnity (P&I) insurance of the ship owner.
  16. Roster of vessel crew 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) If the vessel is not subject to international conventions, it must have a seaworthiness certification document issued by the ship's country or classification society recognized by the ship's country, and Items 2 to 14 of the preceding subparagraph do not apply.
- (X) 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 crew members or workers.
  2. During the concession period, all procedures shall be completed in accordance with regulations. Vessels shall depart or return to the international commercial port within the specified time limit.

(XI) Vessels carrying industrial personnel are required to affix an Industrial Personnel Safety Certificate (IPSC), while vessels carrying special personnel are required to affix a Special Purpose Ship Safety Certificate (SPSSC). However, vessels carrying both industrial and special personnel may use an IPSC instead of an SPSSC.

#### 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. The Bureau 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. The Bureau 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 the Bureau and only vessels that qualify in inspections may commence operations. For vessels that fail upon inspections, the Bureau shall issue a notice and request the vessel to leave the territorial waters of Taiwan within a specified time.

- V. Vessels announced by the International Trade Administration, 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 the Bureau 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 Bureau and follow the Bureau's instructions for processing the changes.
- VII. The scope of work for non-domestic 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 the vessel certificates issued by vessel inspection institutions 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. Where a document expires, the vessel shall suspend operations, return to the international commercial port, and may only restart operations after providing the supplementary documents.
- (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 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) 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 owner or operator shall renew insurance policies when the insurance period in the preceding item expires.

(VII) Vessels shall navigate in channels or waters designated by the Bureau, and they shall implement continuous use of the maritime communication channel and vessel automatic identification system (AIS).

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

(IX) 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, roster of vessel crew and crew members, and other related information; it shall be delivered to the Bureau 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 the Bureau 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, roster of vessel crew and crew members of each trip, and other related information; it shall be delivered to the Bureau 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 the Bureau 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 Bureau's computer. 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 non-domestic working vessels perform tasks related to the construction, maintenance, or change of subsea wires, 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 the Bureau 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 non-R.O.C. 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 protection animal alert observation, establishment of construction alert patrols, measurement and topography, repairs, maintenance, and supply for which the use of R.O.C. ships must be prioritized, regulations on other working vessels, excluding the classification certificate issued by vessel inspection institutions commissioned by the Ministry of Transportation and Communications in accordance with Article 7, and the hiring of R.O.C.

crew members, shall be applicable till 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 crew members or workers.
- III. The vessel shall absolutely carry out procedures during the operations period and depart from the country or return to the international commercial port 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 Non-Domestic Working Vessels in the Construction of Offshore Wind Power Generation Facilities

