

# 美國《海洋哺乳動物保護法》 進口規定

## Fish and Fish Product Import Provisions of the Marine Mammal Protection Act

### 簡介 Brief

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# 《海洋哺乳動物保護法》進口規定

## Import Provisions under the MMPA

- 美國海洋及大氣總署國家海洋漁業局負責落實執行。

Implementation by The US National Oceanic and Atmospheric Administration (NOAA) Fisheries (also known as National Marine Fisheries Service).

- 《海洋哺乳動物保護法》進口規定將對捕魚活動中有兼捕海洋哺乳動物的國家/地區，禁止其漁獲入口美國。

Marine Mammal Protection Act (MMPA) provisions to prohibit fish imports from nations / regions with marine mammal bycatch.



# 海洋哺乳動物保護法

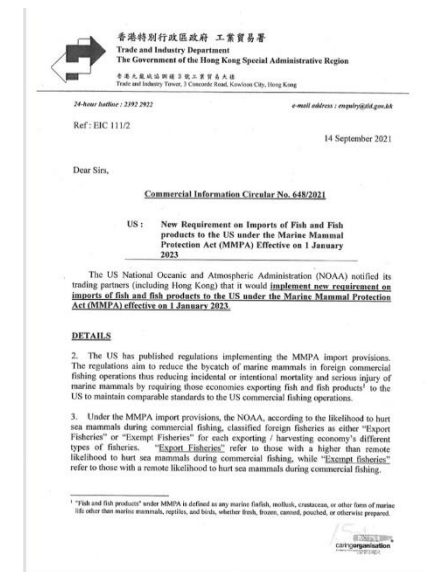
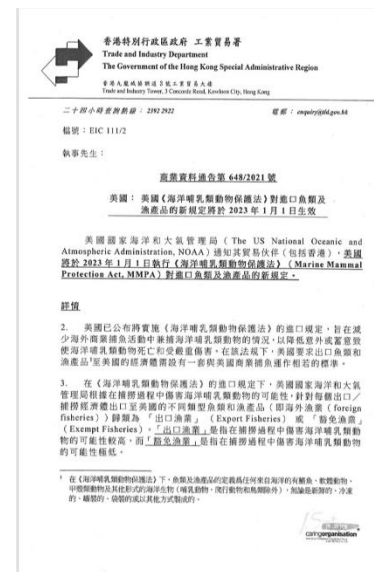
## Marine Mammal Protection Act

- 美國將於2022年11月30日，公佈禁止進口的魚類和漁產品清單
- An import prohibited list on fish and fish product, will be published by US on 30 Nov 2022
- 將於2023年1月1日生效
- It will be effective on 1/1/2023



# 工業貿易署 TID

- 工業貿易署於2021年9月14日，發出商業資料通告第648/2021號，通知業界有關安排。食物安全中心亦已把相關通告發送給業界。
- Trade and Industry Department (TID) issued Commercial Information Circular No. 648/2021 on 14 Sep 2021, informing the trade the relevant arrangement. Centre for Food Safety has also forwarded this circular to the trade.



# 目的 Objectives:

- 減少國際商業捕魚活動對海洋哺乳動物造成的影響
- Reduce marine mammal bycatch associated with international commercial fishing operations
- 適用範圍: 全球各地出口到美國的魚類和漁產品
- Applicable: Global **exportation of fish and fish products to USA**



# 《海洋哺乳動物保護法》進口規定

## Import Provisions under the MMPA

- 所指的魚類和漁產品 包括：任何魚類，軟體動物，甲殼類動物或其他海洋生物，包括新鮮/冷凍/罐頭/袋裝或其他方式製備的產品（除海洋哺乳動物，爬行動物和鳥類）
- “Fish and fish products” was defined as any marine finfish, mollusk, crustacean, or other form of marine life other than marine mammals, reptiles, and birds, whether fresh, frozen, canned, pouched, or otherwise prepared in a manner that allows species identification.



# 《海洋哺乳動物保護法》進口規定

## Import Provisions under the MMPA

- 2023年1月1日起 → 魚類和漁產品若要出口到美國，捕撈國或地區體必須向美國當局取得「可比性結果」
- With effect from 1 January 2023, if fish and fish products are to be exported to the United States, the harvesting nation or region must have obtained from the U.S. authorities a "comparability findings".



# 可比性結果 (Comparability Finding)

- 個別國家/地區須就有關漁業向美國當局證明：設有**管理計劃**以控制海洋哺乳動物在出口漁業的商業捕魚過程中的偶然死亡和嚴重傷害，而其計劃的成效能**比得上**美國有關計劃。
- The nation/ region must demonstrate that it has adopted and implemented, with respect to an export fishery, **a regulatory program** governing the incidental mortality and serious injury of marine mammals in the course of commercial fishing operations in its export fishery, that **is comparable in effectiveness** to the U.S. regulatory program.”





# 可比性結果 (Comparability Finding)

- 須向美國當局就個別漁業申請可比性結果，一般條件包括：

Application to US authority for a [Comparability Finding](#), the General Conditions are including :

1. 對當地水域的海洋哺乳動物的誤捕，進行監察及評估；

Monitoring program to estimate marine mammal bycatch in fisheries

2. 要求漁民通報任何海洋哺乳動物的誤捕個案；

Requirement that fishermen report marine mammal bycatch

3. 漁船註冊，授權或牌照計劃

Vessel registration, authorization, or license program

4. 制訂策略以減少誤捕海洋哺乳類動物

Mitigation measures to reduce marine mammal bycatch



# 漁業分類清單 List of Foreign Fisheries(LOFF)

美國當局會將全球各地個別不同的漁業分為：

US authority divide individual fisheries around the world into :

- 豁免漁業 - 在捕魚過程中只有極微可能對海洋哺乳動物造成傷害

**Exempt Fisheries** have a remote likelihood of or no known marine mammal bycatch

- 出口漁業 - 在捕魚過程中較有可能對海洋哺乳動物造成傷害

**Export Fisheries** have more than a remote likelihood of marine mammal bycatch



# 漁業分類清單 List of Foreign Fisheries(LOFF)

- 現時美方評定有131國家/地區共2,805漁業清單，包括953個豁免漁業和1,852個出口漁業(包括捕撈業及水產養殖業)。

2020 LOFF is comprised of 131 nations or regions and 2,805 fisheries: 953 Exempt Fisheries and 1,852 Export Fisheries.

- 豁免漁業及出口漁業均須取得可比性結果，相關的魚類和漁產品方可出口至美國。

Both Exempt Fisheries & Export Fisheries should obtain a

“Comparability Finding”, then the relevant fish and fish

products can be exported to USA.

## 2020 Final List of Foreign Fisheries (LOFF)

Target Species or Product	Gear Type	Number of Vessels/Licenses/Participants /Aquaculture Facilities	Area of Operation	Marine Mammal Interactions or Co-occurrence (by Group, Species or Stock)	Marine Mammal Species/Stock and Annual Average Mortality Estimates	RFMO
<b>Hong Kong</b>						
<b>Exempt Fisheries</b>						
Abalones nei ( <i>Haliotis</i> spp)	Diving (SCUBA and/or free-diving), (Benthic) Aquaculture (basket), (Midwater), Aquaculture (bottom), (Bottom)	UNKNOWN	EEZ,(FAO:71 Pacific Western Central),none provided	Indo-Pacific finless porpoise (Hong Kong); Indo-Pacific humpback dolphin (Hong Kong)	Indo-Pacific finless porpoise (Hong Kong): NOT PROVIDED; Indo-Pacific humpback dolphin (Hong Kong): NOT PROVIDED	
Flat and cupped oysters nei ( <i>Ostreidae</i> )	Aquaculture (bottom), (Bottom)	UNKNOWN	EEZ,(FAO:71 Pacific Western Central),Deep Bay	Indo-Pacific humpback dolphin (Hong Kong)	Indo-Pacific humpback dolphin (Hong Kong): NOT PROVIDED	
<b>Export Fisheries</b>						
marine shrimps nei Bartail flathead ( <i>Platycephalus indicus</i> ); Blackhead seabream ( <i>Acanthopagrus schlegelii</i> ); Blue swimming crab ( <i>Portunus pelagicus</i> ); Charybdis crabs nei ( <i>Charybdis</i> spp); Crucifix crab ( <i>Charybdis feriatius</i> ); Doublebar cardinalfish ( <i>Apogonichthyoides pseudotaeniatus</i> ); Goldlined seabream ( <i>Rhabdosargus sarba</i> ); Indo-Pacific swamp crab ( <i>Scylla serrata</i> ); Japanese seabream ( <i>Pagrus major</i> ); Japanese swimming crab ( <i>Charybdis japonica</i> ); Lagocephalus wheeleri ( <i>Lagocephalus wheeleri</i> ); Octopuses nei ( <i>Octopus</i> spp); Ridged swimming crab ( <i>Charybdis natator</i> ); Robber harpiosquillid mantis shrimp ( <i>Harpiosquilla harpax</i> ); Sebastiscus marmoratus ( <i>Sebastiscus marmoratus</i> ); Smoothshelled swimming crab ( <i>Charybdis affinis</i> ); Threadfin porgy ( <i>Evynnis cardinalis</i> ); Threadsail filefish ( <i>Stephanolepis cirrifer</i> ); Threespot swimming crab ( <i>Portunus sanguinolentus</i> ); White-spotted spinefoot ( <i>Siganus canaliculatus</i> ); Whitecheek monocle bream ( <i>Scolopsis vosmeri</i> ); Whitecheek monocle bream ( <i>Scolopsis vosmeri</i> ); Wide front swimcrab ( <i>Thalamita crenata</i> ); Yellow grouper ( <i>Epinephelus</i>	Trammel nets, (Demersal), Traps (not specified), (Demersal)	Number of Vessels: 360	EEZ,(FAO:71 Pacific Western Central),none provided	Indo-Pacific finless porpoise (Hong Kong); Indo-Pacific humpback dolphin (Hong Kong)	Indo-Pacific finless porpoise (Hong Kong): NOT PROVIDED; Indo-Pacific humpback dolphin (Hong Kong): NOT PROVIDED	
	Fish pots/fish traps, (Demersal)	Number of Vessels: 57	EEZ,(FAO:71 Pacific Western Central),sand and mud bottoms/shoreline	Indo-Pacific finless porpoise (Hong Kong); Indo-Pacific humpback dolphin (Hong Kong)	Indo-Pacific finless porpoise (Hong Kong): NOT PROVIDED; Indo-Pacific humpback dolphin (Hong Kong): NOT PROVIDED	

[https://s3.amazonaws.com/media.fisheries.noaa.gov/2020-10/LOFF\\_2020\\_IAICRS\\_508.pdf?null](https://s3.amazonaws.com/media.fisheries.noaa.gov/2020-10/LOFF_2020_IAICRS_508.pdf?null)

# 中介國家/地區及產品清單 (List of Intermediary Nations / Regions and Products)

- 不包括本地魚獲或使用本地魚獲製成的漁產品。

Excluding domestic harvesters or domestic-harvested product.

- 從外地進口魚類或漁產品(經加工處理)，將其再出口美國

Processing of foreign-sourced fish and seafood product and re-export to US

- 轉口漁產品
- Transshipment of seafood product
- 美國海洋及大氣總署通知中介產品國家/地區，有關禁止入境事項

Notification by NOAA to the Intermediary nation / region

in the event of an import prohibition





# 漁業清單規則不適用的事項

## List of Fisheries for which the Rule Does Not Apply

- 漁業區域並不牽涉海洋哺乳動物。

Fisheries that do not occur in marine mammal habitat.

- 內陸或淡水漁業，例如河流，溪澗，池塘，湖泊(\*沒有淡水海洋哺乳動物的地方)。

Inland or freshwater fisheries, such as rivers, streams, ponds, lakes (\*where there are no freshwater marine mammal species).

- 淡水或陸上的水產養殖設施。

Freshwater or land-based aquaculture facilities.

- 不需要申請或收取可比性結果。

Not required to apply for, or receive, a Comparability Finding.



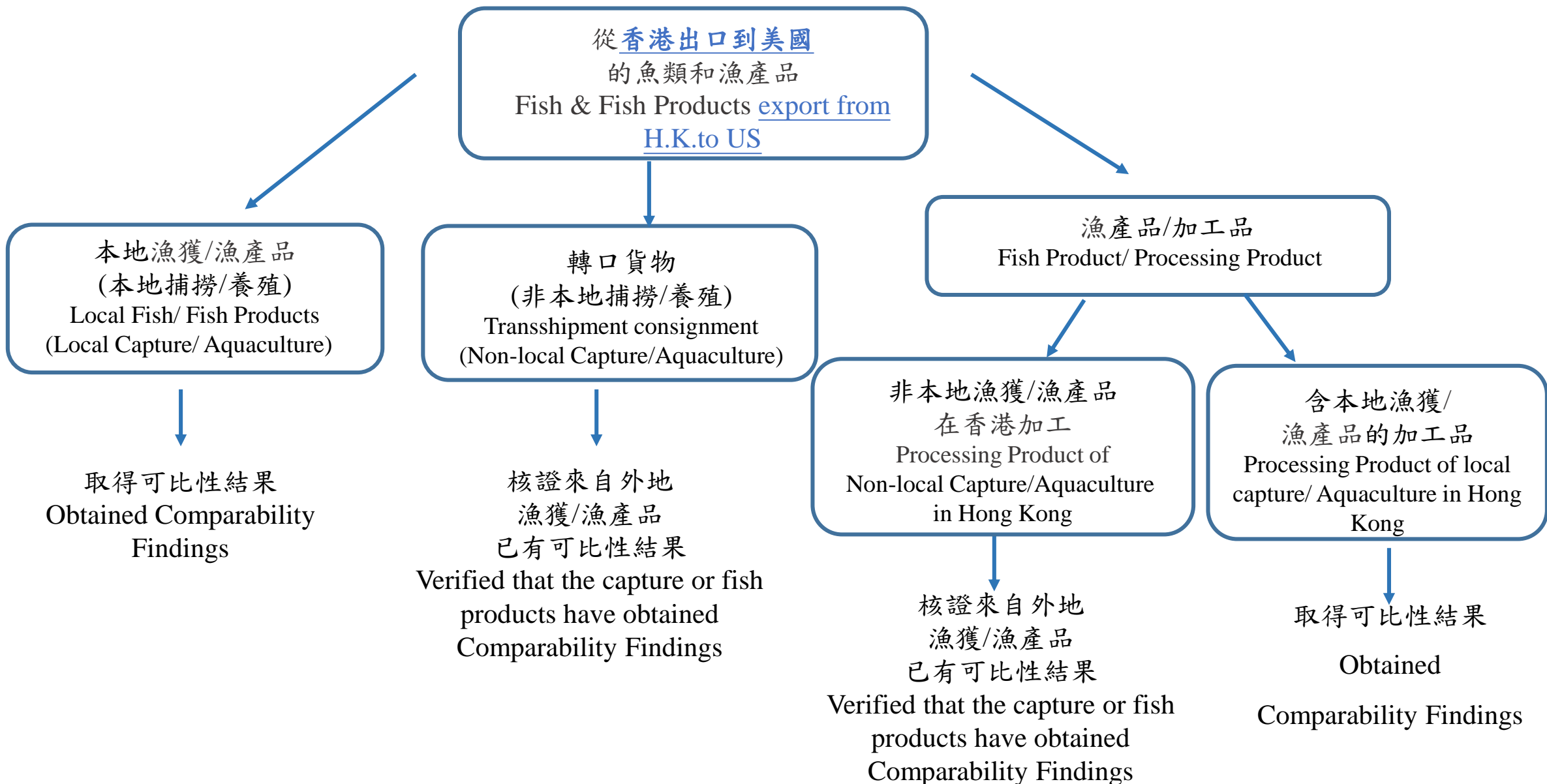
# 入口證書 Certificate of Admissibility

- 捕撈國/地區需要為魚類/漁產品發出入口證書。  
Harvesting country/region will issue a Certificate of Admissibility for the fish/fish products.
- 與被禁漁業類似的產品出口到美國，**“必須”** 附有此證書。  
For similar products from a prohibited fisheries, export to US **“must”** be accompanied with this certificate.





# 進口規定概要 Summary of Import Provisions



# 時間線 Timeline

過去 Then

進度報告  
美國國家海洋漁業局  
評價已提交的報告  
Progress Reports  
(National Marine  
Fisheries Service)  
NMFS evaluated  
submissions

2020年10月公佈外國  
漁業名錄最後版本  
Final List of Foreign  
Fisheries Published  
October 2020

現在 Now

可比性結果  
開放申請  
2020年11月30日  
Comparability  
Findings  
Applications Open  
November 30, 2020

截止日期  
2021年11月30日  
Deadline  
November 30, 2021

將來 Next

美國國家海洋漁業局檢  
視及發出可比性結果  
2022年11月30日  
NMFS reviews and issues  
Comparability Findings  
November 30, 2022

豁免期完結  
2023年1月1日  
Exemption Period  
Ends  
January 1, 2023

# 你需要注意

## Action to take

- 了解受禁制名單  
Study the prohibited list



# 你需要注意

## Action to take

- 如你計劃2023年出口/轉口漁產品到美國:

If you have fish products exported / re-exported to the United States in 2023:

➤確保有關的魚類或漁產品已取得可比性結果

Ensure that the relevant fish or fish products have received comparability findings;

➤確保有關的魚類和漁產品，並非源自被禁止進口美國的漁業

Ensure that the relevant fish and fish products, do not originate from fisheries that are prohibited from being imported into the US.

# 你需要注意

## Action to take

- 採購與被禁漁業類似的產品時，只選擇附有入口證書的產品。

Only purchase similar product from a prohibited fisheries with the Certificate of Admissibility.

- 根據食物安全條例第612章，保留所有魚類和漁產品來源的文件。

Retain document on the source of all fish and

fish products, as requested under The Food Safety Ordinance Cap 612.



如欲獲取進一步資料，  
可與食安中心人員陳美芝女士聯絡。

Please contact Ms Royce CHAN in the Centre for Food Safety,  
if you require further information.

電話 Telephone : 2867 5695

電郵 Email: [mcchan@fehd.gov.hk](mailto:mcchan@fehd.gov.hk)



謝謝!

THANK YOU!