

# Fisheries Basic Act

(Act No. 89 of June 29, 2001)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to stabilize and improve the life of the citizens and to develop the national economy through comprehensive and systematic implementation of the policies for fishery by means of establishing basic principles and basic matters for their realization and clarifying the responsibilities of the State and local governments.

(Maintenance of Stable Supply of Marine Products)

Article 2 (1) Stable supply of quality marine products at reasonable prices shall, in view of an importance of marine products for the sound dietary pattern and as a basis for the healthy and fulfilling life, be secured for the future.

(2) Propagation and aquaculture of aquatic plants and animals shall, in view of fishery resources being a component of ecosystem and limited, be promoted to secure its sustainable utilization by adequate preservation and management of fishery resources and harmony with the environment aiming at the correct implementation of United Nations Convention on the Act of the Sea.

(3) Stable supply of marine products to the citizens shall, in view of the world's marine products supply and demand and trade have some uncertainties, be secured, while maintaining sustainable utilization of fishery resources, by increased domestic fishery production as a base in an appropriate combination with import.

(Sound Development of Fisheries)

Article 3 (1) Sound development of fisheries shall, in view of its mission to supply marine products to the citizens, be promoted, while maintaining sustainable utilization of fishery resources, by fostering efficient and stable fishery management for the fishery production, processing of marine products and distribution that meet the sophisticated and diversified demands of the citizens, keeping coordination among fishery, fishery processing industry and fishery products marketing, and developing fishing ports, fishing grounds and other infrastructure.

(2) Development of fishery shall, in view of the role of fishing villages as bases of the sound development of fishery for the communities including fishery operators, be promoted by improving living environment and other welfare.

(Responsibilities of the State)

Article 4 (1) The State shall be responsible for comprehensively formulating and implementing the measures with the purport of the basic principles of the policies for fisheries provided in the preceding two articles (hereinafter referred to as "basic principles".)

(2) The State shall endeavor to enhance the citizens' better understanding of the basic principles by providing relevant information, etc. on fisheries.

(Responsibilities of Local Governments)

Article 5 Local governments shall be responsible for formulating and implementing the measures for fisheries that suit natural and socioeconomic characteristics of the areas with the purport of the basic principles and based on the appropriate sharing of roles with the State.

(Efforts, etc. of Fishery Household)

Article 6 (1) Fishery household and organization relevant to fisheries shall endeavor proactively for the realization of the basic principles in operating fisheries and other relevant activities.

(2) Those who are engaged in activities relevant to taking aquatic animals and plants, other than fishery operators, shall cooperate with implementation of the measures for fisheries established by the State and local government.

(Support of Efforts by Fishery Household)

Article 7 The State and local governments shall, in taking measures for fisheries, aim at supporting voluntary efforts of fishery household and fisheries organizations.

(Role of Consumers)

Article 8 Consumers shall be encouraged to gain better understanding of

fisheries to positively improve their consumption of marine products.

(Legislative Measures)

Article 9 The Government shall take necessary legislative, fiscal and financial measures to implement the policies on fisheries.

(Annual Report)

Article 10 (1) The Government shall annually submit to the Diet a report on the trend of fisheries and the measures implemented for fisheries.

(2) The Government shall annually prepare and submit to the Diet a document explaining the policies the Government is going to implement in view of the report pertaining to the trend of fisheries of the preceding paragraph.

(3) The Government shall seek opinions from the Fisheries Policy Council in preparing a document explaining the policies the Government is going to implement as mentioned in the preceding paragraph.

## **Chapter II Basic Policies**

### **Section 1 Basic Plan for Fisheries**

Article 11 (1) The Government shall establish a basic plan for fisheries (hereinafter referred to as "basic plan") for a comprehensive and systematic promotion of the policies on fisheries.

(2) The basic plan shall set forth the following matters:

(i) Basic direction of the policies on fisheries

(ii) Target rate of marine-products self-sufficiency

(iii) Measures that the Government shall implement comprehensively and systematically for fisheries.

(iv) In addition to what is listed in the preceding three items, matters necessary for the comprehensive and systematic promotion of fisheries policies.

(3) Target rate of marine products self-sufficiency listed in the second item of the preceding paragraph shall be established, aiming at improving the rate, as a guideline for the domestic fishery production and consumption of marine products to identify the issues that fishery operators and other relevant person should address.

(4) Target rate of marine products self-sufficiency listed in the second item of the preceding paragraph shall be in harmony with the target rate of food self-sufficiency set forth in the second item of the second paragraph of Article 15 of Food, Agriculture and Rural Areas Basic Act (Act No.106 of 1999).

(5) Measures relevant to fishing villages referred in the basic plan shall be developed in harmony with the national plan of comprehensive utilization,

development and conservation of the national land.

- (6) The Government shall seek opinions from the Fishery Policy Council, pursuant to the provision of the first paragraph, in establishing the basic plan.
- (7) The Government shall, pursuant to the provision of the first paragraph, without delay, submit to the Diet and publicize the basic plan when it is established.
- (8) The Government shall revise the basic plan approximately every five years, taking into consideration of the changes in circumstances surround fisheries, and the result of evaluation of effectiveness of the measures on fisheries.
- (9) Provisions of paragraph 6 and paragraph 7 shall apply mutatis mutandis to the changes of the basic plan.

## **Section 2 Policies for Maintenance of Stable Supply of Marine Products**

(Maintenance of Stable Supply of Marine Products, the Food)

Article 12 Measures for the maintenance of stable supply of marine products, the food, shall be provided in the Food, Agriculture and Rural Areas Basic Act and this Section.

(Appropriate Conservation and Management of Fishery Resources in Exclusive Economic Zone)

Article 13 (1) The State shall take measures such as management of catch and fishing effort and others necessary for an appropriate conservation and management of fishery resources in Exclusive Economic Zone, etc. (the term "Exclusive Economic Zone" as used in this Act shall mean the Japanese exclusive economic zones, territorial seas, inland water and continental shelf as provided in Article 2 of Act Concerning Exclusive Economic Zones and the Continental Shelf (Act No.74 of 1996). The same shall apply hereinafter.), aiming at the maintenance or recovery of fishery resources to the level that enables maximum sustainable production.

(2) The State shall, in case when the measures provided in the preceding paragraph give serious adverse effects to fishery management, take necessary measures for mitigating them when it finds necessary.

(Appropriate Conservation and Management of Fishery Resources in Waters Other Than Exclusive Economic Zone)

Article 14 The State shall, in view of Japan's important status in the global fishery production and consumption of marine products, take measures such as cooperation with international organizations relevant to the sustainable utilization of fishery resources and other international framework, guidance and supervision of Japan's fishery and others necessary for appropriate

conservation and management of fishery resources in the waters other than Exclusive Economic Zone, etc.

(Research and Study of Fishery Resources)

Article 15 The State shall take measures such as research, study and others relevant to fishery resources and others necessary to contribute to an appropriate conservation and management of living aquatic resource.

(Promotion of Propagation and Aquaculture of Aquatic Plants and Animals)

Article 16 The State shall take measures such as promotion of production and release of seedlings of aquatic animals, improvement of aquafarms and others necessary to promote the propagation and aquaculture of aquatic plants and animals in harmony with environment.

(Conservation and Improvement of Growing Environment for Aquatic Plants and Animals)

Article 17 The State shall take measures such as conservation of water quality, protection and development of breeding grounds of aquatic plants and animals, conservation and developments of forests and others necessary to improve the conserve the growing environment for aquatic plants and animals.

(Maintenance and Development of Fishing Grounds in Waters Other Than Exclusive Economic Zone)

Article 18 The State shall take measures such as conference with foreign states on fisheries, exploration of fishery resources and others necessary to maintain and develop the fishing grounds pertaining to the Japanese fisheries in waters other than Exclusive Economic Zone.

(Measures for Imports and Exports of Marine Products)

Article 19 (1) The State shall take necessary measures for securing import of marine products for which domestic production cannot meet the demands; and shall take measures such as import restrictions, tariff rate adjustments and other necessary measures when deemed necessary, in case certain imports give or likely to give serious adverse effects on an appropriate conservation and management of fishery resources or on the production of marine products that compete against imports.

(2) The State shall take measures such as strengthening the competitiveness of the domestic marine products, promoting market research, providing information, encouraging dissemination activities and other necessary measures to promote exports.

(Promotion of International Cooperation)

Article 20 The State shall endeavor to promote international cooperating such as technical and financial cooperation for the promotion of fisheries in the developing regions to contribute to the long-term stability of the world's supply and demand of marine products.

### **Section 3 Policies for Maintenance of Sound Development of Fisheries**

(Development of Efficient and Stable Fishery Management)

Article 21 The State shall, in view of importance of enabling motivated fishery operators to develop creative fishery management, take measures such as improvement of conditions that helps management rationalization, promotion of improvement of fishing boats and other facilities, promotion of joint operation of business and others necessary for the promotion of reinforcement of fishery management infrastructure to develop efficient and stable fishery management.

(Promotion of Rationalized Utilization of Fishing Grounds)

Article 22 The State shall take measures such as promotion of rationalization of utilization of fishing grounds and others necessary for the development of efficient and sustainable fishery management.

(Development and Maintenance of Human Resources)

Article 23 (1) The State shall take necessary measures such as improving technical and management skills of fisheries and promoting acquisition of technical and management skills of fisheries for those who will be newly engaged in fishery in order to develop and maintain human resources who will be responsible for efficient and stable fishery management.

(2) The State shall take necessary measures for improvement of working environment of employed fishery such as maintenance of safety of fish catching and improvement of working conditions

(3) The State shall take necessary measures such as promotion of education on fisheries to obtain better understanding and interest of the citizens in fisheries.

(Fisheries Disaster Compensation)

Article 24 (1) The State shall take necessary measures such as reasonable compensation for disaster losses in order to prevent any possible impediment to fishery reproduction by disasters and help stabilization of fishery management.

(2) The State shall take necessary measures for mitigating adverse significant price changes of marine products to contribute to the stable fishery management.

(Sound Development of Fishery Processing Industry and Fishery Marketing)

Article 25 The State shall take necessary measures such as enhancement of business base, promotion of coordination with fisheries and rationalization of marine products marketing for the sound development of fishery processing industry and fishery marketing with consideration to the reduction of adverse effects to environment caused by the business operation and maintenance of effective utilization of resources.

(Improvement of Fisheries Industry)

Article 26 The State shall take measures for improvement of productivity of fisheries industry and promotion of propagation and aquaculture of aquatic plants and animals, according to the regional characteristics, in consideration of harmony with environments, aiming at efficient business operation, such as improvement of fishing ports, improvement and development of fishing grounds and others necessary for improvement of fisheries industry infrastructure.

(Development and Dissemination of Technology)

Article 27 The State shall take necessary measures for effective promotion of research and development and dissemination of technologies relevant to fisheries such as setting of specific goals for research and development of such technologies, enhancement of coordination with national laboratories, laboratories of incorporated administrative agencies, local governments and local incorporated administrative agencies, universities and private bodies, and promotion of dissemination activities of technologies relevant to fisheries in accordance with regional characteristics.

(Promotion of Women's Participation in Fisheries)

Article 28 The State shall, in view of an importance of men and women secure opportunities to participate in all activities as equal members of the society, assess women's role in fisheries fairly and promote improvement of environment for women to secure opportunities to participate in fisheries and relevant activities voluntarily.

(Promotion of Activities by Elderly People)

Article 29 The State shall promote improvement of environment in which elderly people can be satisfied with their activities relevant to fisheries in accordance with their roles in local fisheries and their skills and capabilities for the improvement of welfare of elderly people engaged in fishery industry.

(Comprehensive Development of Fishing Villages)

Article 30 (1) The State shall systematically promote measures for the comprehensive promotion of fishing villages such as promotion of fishery industry.

(2) The State shall take necessary measures for the comprehensive promotion of improvement of infrastructure for fishery industry, living environment including disaster prevention, transportation, telecommunication, public health, education and culture in accordance with regional characteristics and welfare, in order to promote the sound development of regional fishery industry and create pleasant and comfortable fishing villages with beautiful landscape.

(Exchange, etc. Between Urban Areas and Fishing Villages)

Article 31 The State shall take necessary measure such as promotion of exchange between urban areas and fishing villages and rationalization of recreational fishing vessels to enhance public understanding and interest in fishery industry and fishing villages, and to contribute to healthy and comfortable life.

(Enhancement of Multifunctional Measures)

Article 32 The State shall take necessary measures to gain better public understanding and interest in the role of fishery industry and fishing villages for the stabilization of the citizens' life and national economy, and to exert appropriately and fully the multifunction of fishery industry and fishing villages other than supply of marine products for the future .

### **Chapter III Administrative Organs and Organizations**

(Improvement of Administrative Organizations)

Article 33 The State and local governments shall endeavor to cooperate in taking measures for fisheries, and to improve administrative organizations, efficiency and transparency of administrative management.

(Restructuring and Improvement of Organizations)

Article 34 The State shall take necessary measures for efficient restructuring and improvement of organizations relevant to fisheries to contribute to the realization of basic principles.

### **Chapter IV Fishery Policy Council**

(Establishment)

Article 35 Fishery Policy Council (hereinafter referred to as "Council") is hereby established in the Ministry of Agriculture, Forestry and Fisheries.

(Authority)

Article 36 (1) The Council shall study and deliberate important matters for implementing this Act, in response to the consultations by the Minister of Agriculture, Forestry and Fisheries or other ministers concerned, in addition to deal with the matters authorized under this Act.

(2) The Council may submit its opinions to the Minister of Agriculture, Forestry and Fisheries or other ministers concerned, with regard to the matters provided in the preceding paragraph.

(3) The Council shall, in addition to the matters provided in the preceding two paragraphs, deal with the matters authorized under The Fishery Act (Act No. 267 of 1949), Fishing Port and Ground Improvement Act (Act No. 137 of 1950), Fishing Vessel Act (Act No. 178 of 1950), Act on the Protection of Fishery Resources (Act No. 313 of 1951), Marine Resources Development Promotion Act (Act No. 60 of 1971), Coastal Fisheries Grounds Enhancement and Development Program Act (Act No.49 of 1974), Special Measures Act for Improvement and Reconstruction of Fisheries Management (Act No. 43 of 1976), Act Concerning Conservation and Management of Marine Life Resources (Act No. 77 of 1996), and Act on Maintenance of Sustainable Aquaculture Production (Act No. 51 of 1999).

(Organization)

Article 37 (1) The Council shall be comprised of not more than 30 members.

(2) The Council members shall be appointed by the Minister of Agriculture, Forestry and Fisheries from persons with relevant knowledge and experience with regard to the matters provided in the first paragraph of the preceding article.

(3) The Council members shall serve on part-time basis.

(4) In addition to what is provided in paragraph 2, the Council staff provided by Cabinet Order, shall be appointed by the Minister of Agriculture, Forestry and Fisheries.

(Request of Document Submission)

Article 38 The Council may request the heads of competent administrative organs to submit materials, offer their opinions, explanations and other necessary cooperation as deemed necessary for the execution of their affairs under the jurisdiction.

(Authorization)

Article 39 Matters necessary for organization and administration of the Council shall, in addition to what is provided in this Act, be provided by Cabinet Order.

## **Supplementary Provisions**

(Effective Date)

Article 1 This Act shall enter into force on the day of promulgation.

(Abolition of Coastal Fisheries Promotion Act)

Article 2 Coastal Fisheries Promotion Act (Act No. 165 of 1963) shall be abolished.

(Transitional Measures)

Article 3 (1) When this Act became into force, if a report as provided in the preceding paragraph on Article 7 of Coastal Fisheries Promotion Act before its abolishment (hereinafter referred to as "old act"), has not been submitted to the Diet in 2001, the provisions then in force shall remain applicable to the submission of the report on Article 7 to the Diet.

(2) If a report, as provided in Article 7 of old act, was submitted to the Diet prior to the effective date of this Act, or in case a report, as provided in the preceding paragraph, was submitted to the Diet as a report on Article 7 of old act under the provisions then in force, these reports shall be deemed as the reports submitted to the Diet as provided in paragraph 1 of Article 10.

(3) When this Act became into force, if a document as referred in Article 7 of old act has not been submitted to the Diet in 2001, the provisions in force then shall remain applicable to the submission of the document to the Diet.

(4) If a document, as provided in Article 7 of old act, was submitted to the Diet prior to the effective date of this Act, or in case a document, as provided in the preceding paragraph, was submitted to the Diet as a document on Article 7 of old act under the provisions then in force, these documents shall be deemed as the documents submitted to the Diet as provided in paragraph 2 of Article 10.

## **Supplementary Provisions [Act No. 92 of June 29, 2001 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2002.

## **Supplementary Provisions [Act No.73 of June 19, 2002 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the date specified by a Cabinet Order within a period not exceeding 3 months from the day of promulgation.

**Supplementary Provisions [Act No.119 of July 16, 2003 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the effective date of Act on Regional Incorporated Administrative Agency (Act No.180 of 2003) (Effective date: April 1, 2004)

(Delegation of Other Transitional Measures to Cabinet Order)

Article 6 Transitional Measures, other than those provided in this Supplementary Provisions, necessary for enforcement of this Act shall be provided by Cabinet Order.

**Supplementary Provisions [Act No.89 of July 29, 2005 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the date specified by a Cabinet Order (hereinafter referred to as "effective date") within a period not exceeding 6 months from the day of promulgation.