

Ordinance for Enforcement of the Act on Regulation of Fishing Operation by Foreign Nationals

(Ordinance of the Ministry of Agriculture and Forestry No. 50 of October 9, 1967)

Based on the provisions of Article 2, paragraph (1) and Article 4, paragraph (1) of the Act on Regulation of Fishing Operation by Foreign Nationals (Act No. 60 of 1967), the Ordinance for Enforcement of the Act on Regulation of Fishing Operation by Foreign Nationals is established as follows.

(Annexed Islands Included in Japan)

Article 1 The annexed islands provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries as referred to in Article 2, paragraph (1) of the Act on Regulation of Fishing Operation by Foreign Nationals (hereinafter referred to as the "Act") shall be islands that belong to Honshu, Hokkaido, Shikoku and Kyushu, excluding Habomai Islands, Shikotan Island, Kunashiri Island, and Etorofu Island until otherwise provided for by law.

(Minor Gathering and Taking of Aquatic Plants and Animals)

Article 2 The minor gathering and taking of aquatic plants and animals provided Ordinance of the Ministry of Agriculture, Forestry and Fisheries as referred to in the proviso to Article 3 of the Act shall be the following gathering and taking of aquatic plants and animals, which in the case set forth in items (i) and (ii) are carried out by vessels with gross tonnage of less than 3 tons or without vessels or which are carried out by legitimate foreign residents under management of fishery operators with Japanese nationality (including those that have others gather or take aquatic plants or animals as a business) using Japanese vessels with gross tonnage of 3 tons or more, and which in the case of item (iii) are carried out without vessels:

- (i) gathering or taking of aquatic plants or animals by rod or hand (excluding chumming);
- (ii) gathering or taking of aquatic plants or animals carried out by using no fishing equipment other than a landing net, scoop net, fishing spear or stripping-off equipment; and
- (iii) gathering or taking of aquatic plants or animals by a cast net.

(Application for Permission for Calling)

Article 3 A captain who intends to obtain permission under the provisions of Article 4, paragraph (1) of the Act shall submit a written application containing the following matters to the Minister of Agriculture, Forestry and

Fisheries:

- (i) the name and nationality of the captain;
- (ii) the name, type, nationality and gross tonnage (hereinafter referred to as the "Vessel Name, etc.") of the relevant foreign fishing vessel;
- (iii) fishing gear equipped by said foreign fishing vessel, the item name, quantity, place of loading (hereinafter referred to as the "Item Name, etc.") of the catches or their products loaded on said foreign fishing vessel, and if said foreign fishing vessel is used for fishing, details of the fishing activity;
- (iv) the name, nationality and address (in the case of a juridical person or any other organization, its name, the location of its head office or principal office, and the name of its representative; hereinafter referred to as the "Name, etc.") of the person who has the right to use said foreign fishing vessel;
- (v) the name and location of the Japanese port which said foreign fishing vessel is to call;
- (vi) the period during which said foreign fishing vessel is to call the port and the purpose of the call; and
- (vii) the name and location of the port which said foreign fishing vessel is to call subsequently to the calling in question, and the purpose of the voyage to said port.

(Application for Permission for Transshipping, etc. of Catches)

Article 4 (1) The captain of a foreign fishing vessel who intends to obtain permission under the provisions of Article 3, item (ii) of the Order for Enforcement of the Act on Regulation of Fishing Operation by Foreign Nationals (hereinafter referred to as the "Order") pertaining to exclusion from application of the provisions of Article 6, paragraph (1) of the Act shall submit a written application containing the following matters to the Minister of Agriculture, Forestry and Fisheries:

- (i) the names and nationalities of the captains of said foreign vessel and the other vessel or the other foreign fishing vessel;
- (ii) the Vessel Names, etc. of said foreign fishing vessel and the other vessel or the other foreign fishing vessel;
- (iii) fishing gear equipped by said foreign fishing vessel and the other foreign fishing vessel, the Item Names, etc. of the catches or their products loaded on said foreign fishing vessel and the other foreign fishing vessel, and if said foreign fishing vessel and the other foreign fishing vessel are used for fishing, details of the fishing activity;
- (iv) the Names, etc. of the persons who have the right to use said foreign fishing vessel and the other foreign fishing vessel;
- (v) the Item Name, etc., the place of destination, and the Name, etc. of the owner of the relevant catches; and

- (vi) the purposes of the voyage of and the ports planned to be called by (hereinafter referred to as the "Purpose of Voyage, etc. of") said foreign fishing vessel and the other vessel or the other foreign fishing vessel subsequent to the transshipping or loading of said catches.
- (2) The captain of a vessel other than a foreign fishing vessel who intends to obtain permission under the provisions of Article 3, item (ii) of the Order pertaining to exclusion from application of the provisions of Article 6, paragraph (2) of the Act shall submit a written application containing the following matters to the Minister of Agriculture, Forestry and Fisheries:
- (i) the names and nationalities of the captains of said vessel and the relevant foreign fishing vessel;
 - (ii) the Vessel Names, etc. of said vessel and said foreign fishing vessel;
 - (iii) fishing gear equipped by said foreign fishing vessel, the Item Name, etc. of the catches or their products loaded on said foreign fishing vessel, and if said foreign fishing vessel is used for fishing, details of the fishing activity;
 - (iv) the Names, etc. of the persons who have the right to use said vessel and said foreign fishing vessel;
 - (v) the Item Name, etc., the place of destination, and the Name, etc. of the owner of the relevant catches; and
 - (vi) the Purposes of Voyage, etc. of said vessel and said foreign fishing vessel subsequent to the loading of said catches.
- (3) The captain of a vessel other than a foreign fishing vessel who intends to obtain permission under the provisions of Article 3, item (ii) of the Order pertaining to exclusion from application of the provisions of Article 6, paragraph (3) of the Act shall submit a written application containing the following matters to the Minister of Agriculture, Forestry and Fisheries:
- (i) the matters set forth in items (i) through (v) of the preceding paragraph;
 - (ii) the Purpose of Voyage, etc. of said vessel subsequent to the unloading or transshipping of the relevant catches; and
 - (iii) the Purpose of Voyage, etc. of the relevant foreign fishing vessel subsequent to the loading of said catches.

Supplementary Provisions

This Ministerial Ordinance shall come into effect as of the date on which the Act comes into effect (October 12, 1967).

Supplementary Provisions [Ordinance of the Ministry of Agriculture and Forestry No. 26 of May 1, 1968]

This Ministerial Ordinance shall come into effect as of May 10, 1968.

Supplementary Provisions [Ordinance of the Ministry of Agriculture and Forestry No. 46 of June 26, 1968]

This Ministerial Ordinance shall come into effect as of the date of promulgation.

Supplementary Provisions [Ordinance of the Ministry of Agriculture and Forestry No. 29 of May 13, 1972] [Extract]

This Ministerial Ordinance shall come into effect as of the date on which the Act on Revision or Abolition of Relevant Laws and Regulations in Line with Reversion of Okinawa comes into effect (May 15, 1972).

Supplementary Provisions [Ordinance of the Ministry of Agriculture and Forestry No. 28 of June 17, 1977] [Extract]

(Effective Date)

(1) This Ministerial Ordinance shall come into effect as of the date on which the Act comes into effect (July 1, 1977).

Supplementary Provisions [Ordinance of the Ministry of Agriculture and Forestry No. 49 of July 5, 1978] [Extract]

Article 1 This Ministerial Ordinance shall come into effect as of the date of promulgation.

Supplementary Provisions [Ordinance of the Ministry of Agriculture, Forestry and Fisheries No. 5 of January 31, 2000] [Extract]

(Effective Date)

Article 1 This Ministerial Ordinance shall come into effect as of April 1, 2000.