

Order for Enforcement of the Act on the Exercise etc. of the Sovereign Rights regarding Fishery, etc. in the Exclusive Economic Zone

(Cabinet Order No. 212 of July 5, 1996)

(Application of Laws and Regulations regarding Fishery, etc. by Foreign Nationals in Exclusive Economic Zone)

Article 1 The Acts as specified by Cabinet Order set forth in Article 3, paragraph (2) of the Act on the Exercise of Sovereign Rights regarding Fishery, etc. in the Exclusive Economic Zone (hereinafter referred to as "the Act") are as follows:

- (i) Act on Regulation of the Hunting of Sea Otters and Fur Seals (Act No. 21 of 1912)
- (ii) Act on the Protection of Fishery Resources (Act No. 313 of 1951)

(Special Provisions for Prohibition of Transshipping in Prohibited Sea Areas)

Article 2 The cases as specified by Cabinet Order set forth in Article 4, paragraph (2) of the Act are the following cases:

- (i) Cases where the fish catches or products made from them are foreign shipped catches (meaning the foreign shipped catches set forth in Article 4, paragraph [1], item [ii] of the Act on Regulation of Fishing Operation by Foreign Nationals [Act No. 60 of 1967])
- (ii) Cases where the fish catches or products made from them pertain to the specified import approval (meaning the specified import approval set forth in Article 2 of the Order for Enforcement of the Act on Regulation of Fishing Operation by Foreign Nationals [Cabinet Order No. 325 of 1967])
- (iii) Cases where transshipment is made from a vessel other than a foreign fishing vessel (meaning the foreign fishing vessel set forth in Article 2, paragraph [7] of the Act on Regulation of Fishing Operation by Foreign Nationals; the same applies in the following item) to another vessel
- (iv) Cases where loading is made from a vessel other than a foreign fishing vessel
- (v) Beyond the cases listed in the preceding items, cases where the Minister of Agriculture, Forestry and Fisheries grants approval on finding that there is no risk of harm to the preservation of normal order of the Japanese fishery

(Standard for License)

Article 3 The standards as specified by Cabinet Order set forth in Article 6, paragraph (1) of the Act are that the foreign nation to which the foreign national who is the subject of the application belongs gives reasonable

consideration to fish catches by Japan's fishery operators in the surrounding waters of such foreign nation.

(Hearing of Opinions)

Article 4 When intending to specify the limit for the quantity of fish catches set forth in Article 6, paragraph (1) of the Act, the Minister of Agriculture, Forestry and Fisheries is to hear the opinions of persons with relevant knowledge and experience and other relevant persons with regard to the trends in living marine resources and the actual situation of fish catches by Japan's fishery operators in Japan's exclusive economic zone (hereinafter simply referred to as "the exclusive economic zone") (excluding the prohibited sea area set forth in Article 4, paragraph [1] of the Act; hereinafter the same applies in this Article), the situation of fishery by the foreign nationals in the exclusive economic zone, and Japan's fishery in the surrounding waters of foreign nations.

(Technical Replacement Relating to Fishery, etc. Pertaining to Fixative Species on the Continental Shelf)

Article 5 (1) When applying the provisions of Articles 3 through 13 of the Act mutatis mutandis pursuant to the provisions of Article 14, paragraph (1) of the Act, the terms and phrases listed in the middle column of the following table which are used in the provisions of the Act listed in the left-hand column of that table are to be deemed to be replaced with the terms and phrases listed in the right-hand column of that table.

Title of Article 3	in Exclusive Economic Zone	Pertaining to Fixative Species on the Specified Continental Shelf
Article 3, paragraph (1)	in Japan's exclusive economic zone (hereinafter simply referred to as the "exclusive economic zone")	pertaining to fixative species in the area which is the continental shelf but not in the exclusive economic zone (hereinafter referred to as "specified continental shelf")
	fishery, etc. by foreign nationals in exclusive economic zone	fishery, etc. by foreign nationals pertaining to fixative species on the specified continental shelf
Article 3, paragraphs (2) through (4)	fishery, etc. by foreign nationals in the exclusive economic zone	fishery, etc. by foreign nationals pertaining to fixative species on the specified continental shelf
Article 4, paragraph (1)	exclusive economic zone	specified continental shelf

	in the sea area of the exclusive economic zone (including the sea bed; hereinafter referred to as "prohibited sea area")	pertaining to fixative species on the sea bed in the sea area and the area underneath the sea bed (hereinafter referred to as "prohibited sea area")
Article 5, paragraph (1)	exclusive economic Zone (the prohibited sea area	,as provided for in the Order of the Ministry of Agriculture, Forestry and Fisheries, the specified continental shelf (the prohibited sea area)
	as provided for in the Order of the Ministry of Agriculture, Forestry and Fisheries,	pertaining to fixative species
Article 6, paragraph (1)	engaged in the exclusive economic zone	engaged pertaining to fixative species on the specified continental shelf
Article 6, paragraph (2)	scientific grounds in the Exclusive economic zone	scientific grounds in the specified continental shelf
	by the foreign nationals in the exclusive economic zone	by the foreign nationals pertaining to fixative species on the specified continental shelf
Article 8	in the exclusive economic zone for testing and research or other purposes provided for in the Order of the Ministry of Agriculture, Forestry and Fisheries	pertaining to fixative species on the specified continental shelf for testing and research or other purposes provided for in the Order of the Ministry of Agriculture, Forestry and Fisheries
Article 9	in the exclusive economic zone engaged in by persons other than the foreign nationals in that water area	pertaining to fixative species on the specified continental shelf that are engaged in by persons other than the foreign nationals
Article 10	in the exclusive economic zone	pertaining to fixative species on the specified continental shelf
Article 13, paragraph (1)	in the exclusive economic zone	pertaining to fixative species on the specified continental shelf

(2) The provisions of Article 1 and the preceding two Articles apply mutatis mutandis to the fishery, the harvest of aquatic plants and animals (excluding those falling under fishery and including fishery incidental acts; the same applies in Article 2 of the Supplementary Provisions) and surveys pertaining to fixative species in the area which is the continental shelf but not in the

exclusive economic zone. In this case, the terms and phrases listed in the middle column of the following table which are used in the provisions listed in the left-hand column of that table are to be deemed to be replaced with the terms and phrases listed in the right-hand column of that table.

Title of Article 1	in the exclusive economic zone	pertaining to fixative species on the specified continental shelf
Article 1	Article 3, paragraph (2)	Article 3, paragraph (2) of the Act, as applied mutatis mutandis to Article 14, paragraph (1)
Article 3	Article 6, paragraph (1)	Article 6, paragraph (1) of the Act, as applied mutatis mutandis to Article 14, paragraph (1)
Article 3	Japan's exclusive economic zone (hereinafter simply referred to as the "exclusive economic zone") [...] the prohibited sea area set forth in Article 4, paragraph [1] of the Act	the area which is the continental shelf but not in the exclusive economic zone (hereinafter referred to as "specified continental shelf") (the prohibited sea area set forth in Article 4, paragraph [1] of the Act, as applied mutatis mutandis to Article 14, paragraph [1] of the Act)
	by the foreign nationals in the exclusive economic zone ²	by the foreign nationals pertaining to fixative species on the specified continental shelf

(Crimes Specified by Cabinet Order Set Forth in Article 24, Paragraph [1] of the Act)

Article 6 The crimes as specified by Cabinet Order set forth in Article 24, paragraph (1) of the Act are to be crimes that violate the provisions of the Act.

(Law-enforcement Officers)

Article 7 The persons as specified by Cabinet Order set forth in Article 24, paragraph (1) of the Act are to be authorized fisheries supervisors, coast guard officers, and police officers.

(Standards on the Amount of Bond)

Article 8 The standards set forth in Article 24, paragraph (2) of the Act must be specified by taking into consideration the type of violation, the penalty provided for the crime, the gravity of violation, the number of violations committed, etc.

(Provision of Bond)

Article 9 (1) Bonds (excluding those provided based on the content of a document which certifies that the bond will be provided [hereinafter referred to as "letter of guarantee"]; the same applies in item [i]) or a letter of guarantee must be provided in accordance with the following:

- (i) The bond must be provided in the Japanese currency by the violator or the master of a vessel pertaining to the seizure or a person who is deemed appropriate by the competent minister to provide the bond within ten days counting from the day after that on which a notification was made under the provisions of Article 24, paragraph (1) of the Act (in the case where a law-enforcement officer finds that compelling circumstances exist and extends that period for up to 20 days counting from the day after that on which that notification was made, within the period so extended).
- (ii) A letter of guarantee that meets the following requirements must be provided within the period set forth in the preceding item:
 - (a) A Letter of Guarantee must be one which certifies that the bond will be provided in the Japanese currency within one month counting from the day after that on which that letter of guarantee is provided, and which is found to guarantee that the bond will be provided without fail in accordance with the content of that letter of guarantee.
 - (b) A person who provides a bond pertaining to that letter of guarantee must fall under the persons set forth in the preceding item.
- (2) In the case where the last day of the period set forth in item (i) and item (ii), (a) of the preceding paragraph falls on a Sunday, Saturday, a holiday set forth in the National Holidays Act (Act No. 178 of 1948), January 2, January 3, or December 31, the day is not included in that period.

(Competent Minister and Order of Competent Ministry)

- Article 10 (1) The competent ministers set forth in Article 24, paragraph (1), Article 25, paragraph (1) and Article 26, paragraph (1) of the Act and paragraph (1) of the preceding Article is to be the Minister of Agriculture, Forestry and Fisheries with regard to incidents pertaining to authorized fisheries supervisors, the Minister of Land, Infrastructure, Transport and Tourism with regard to incidents pertaining to coast guard officers, and the Prime Minister with regard to incidents pertaining to police officers; and, the competent ministers set forth in Article 24, paragraph (2) of the Act is to be the Minister of Agriculture, Forestry and Fisheries, the Minister of Land, Infrastructure, Transport and Tourism, and the Prime Minister.
- (2) The Orders of the competent ministries set forth in Article 17, paragraph (2) of the Act are to be Orders of the Ministry of Agriculture, Forestry and Fisheries, Orders of the Ministry of Land, Infrastructure, Transport, and Tourism, and Cabinet Office Orders.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act (July 20, 1996); provided, however, that the provisions pertaining to the row 3 of the table of the following Article come into effect as of January, 1, 1997.

(Special Provision for Application)

Article 2 The provisions set forth in Articles 5 through 13 of the Act do not apply to the fishery, harvest of aquatic plants and animals or surveys that are conducted by the foreign nationals listed in the middle column of the table in the sea areas listed in the right-hand column of that table.

(i)	Citizens of the Republic of Korea (including the Republic of Korea and public institutions or their equivalents, or juridical persons and other organizations established based on the laws and regulations of that nation)	<p>The following sea areas, among the exclusive economic zone</p> <p>(i) The sea areas west of the lines drawn by connecting the following points one after another by straight lines</p> <p>(a) The point of latitude 36 degrees, 10 minutes, 11 seconds north and longitude 131 degrees, 15 minutes, 45 seconds east</p> <p>(b) The point of latitude 35 degrees, 33 minutes, 56 seconds north and longitude 131 degrees, 46 minutes, 21 seconds east</p> <p>(c) The point of latitude 35 degrees, 59 minutes, 41 seconds north and longitude 132 degrees, 13 minutes, 33 seconds east</p> <p>(d) The point of latitude 36 degrees, 18 minutes, 41 seconds north and longitude 132 degrees, 13 minutes, 33 seconds east</p> <p>(e) The point of latitude 36 degrees, 56 minutes, 23 seconds north and longitude 132 degrees, 55 minutes, 38 seconds east</p> <p>(f) The point of latitude 36 degrees, 56 minutes, 23 seconds north and longitude 135 degrees, 29 minutes, 50 seconds east</p> <p>(g) The point of latitude 38 degrees, 37 minutes, 10 seconds north and longitude 135 degrees, 29 minutes, 49 seconds east</p> <p>(h) The point of latitude 39 degrees, 51 minutes, 54 seconds north and longitude 134 degrees, 11 minutes, 20 seconds east</p>
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		<p>(ii) The sea areas north of the line of latitude 30 degrees, 44 minutes, 3 seconds north and west of the line consisting of the following lines</p> <p>(a) The straight line extending from the point of latitude 32 degrees, 57 minutes, 12 seconds north and longitude 127 degrees, 40 minutes, 59 seconds east to the point of latitude 31 degrees, 20 minutes, 12 seconds north and longitude 127 degrees, 12 minutes, 53 seconds east</p> <p>(b) The straight line extending from the point of latitude 31 degrees, 20 minutes, 12 seconds north and longitude 127 degrees, 12 minutes, 53 seconds east, passing through the point of latitude 31 degrees, 13 seconds north and longitude 127 degrees, 4 minutes, 53 seconds east, to the point of latitude 30 degrees, 44 minutes, 3 seconds north</p>
(ii)	Citizens of the People's Republic of China (including the Republic of Korea and public institutions or their equivalents, or juridical persons and other organizations established based on the laws and regulations of that nation)	<p>The sea areas west of the lines consisting of the following lines, among the exclusive economic zone</p> <p>(i) The line of longitude 127 degrees, 29 minutes, 53 seconds east (limited to the part north of latitude 30 degrees, 40 minutes, 13 seconds north)</p> <p>(ii) The straight line extending from the point of latitude 30 degrees, 40 minutes, 13 seconds north and longitude 127 degrees, 29 minutes, 53 seconds east to the point of latitude 30 degrees, 40 minutes, 13 seconds north and longitude 128 degrees, 25 minutes, 58 seconds east</p> <p>(iii) The straight line extending from the point of latitude 30 degrees, 40 minutes, 13 seconds north and longitude 128 degrees, 25 minutes, 58 seconds east to the point of latitude 30 degrees, 13 seconds north and longitude 128 degrees, 32 minutes, 4 seconds east</p> <p>(iv) The straight line extending from the point of latitude 30 degrees, 13 seconds north and longitude 128 degrees, 32 minutes, 4 seconds east to the point of latitude 29 degrees, 13 seconds north and longitude 128 degrees, 47 seconds east</p>

		<p>(v) The straight line extending from the point of latitude 29 degrees, 13 seconds north and longitude 128 degrees, 47 seconds east to the point of latitude 28 degrees, 14 seconds north and longitude 127 degrees, 14 minutes, 59 seconds east</p> <p>(vi) The straight line extending from the point of latitude 28 degrees, 14 seconds north and longitude 127 degrees, 14 minutes, 59 seconds east to the point of latitude 27 degrees, 14 seconds north and longitude 125 degrees, 58 minutes, 11 seconds east (referred to as "Point A" in the following item)</p> <p>(vii) The straight line extending from Point A to the point of intersection (referred to as "Point B" in the following item) in the East China Sea between the line of latitude 27 degrees, 14 seconds north and the line all of whose points are at the distance of 12 nautical miles from their nearest point on the baseline of Japan (meaning the baseline set forth in Article 2, paragraph [1] of the Act on Territorial Waters and Contiguous Water Area [Act No. 30 of 1977]) (hereinafter referred to as the "line of 12 nautical miles")</p> <p>(viii) The line extending from Point B, passing through the west of the Okinawa Islands, to the first point of intersection with the line of 12 nautical miles of the straight line extending from the point of latitude 26 degrees, 4 minutes, 31 seconds north and longitude 127 degrees, 40 minutes, 43 seconds east to the point of latitude 24 degrees, 43 minutes, 13 seconds north and longitude 125 degrees, 28 minutes, 6 seconds east (referred to as "Point C" in the following item)</p> <p>(ix) The straight line extending from Point C to the point of intersection between the straight line extending from the point of latitude 26 degrees, 43 minutes, 1 second north and longitude 127 degrees, 40 minutes, 43 seconds east to the point of latitude 24 degrees, 43 minutes, 13 seconds north and longitude 125 degrees, 28 minutes, 6 seconds east and other lines of 12 nautical miles (referred to as "Point D" in the following item)</p>
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		<p>(x) The line of 12 nautical miles extending from Point D, passing through the north of Ishigaki Island, to the point of latitude 24 degrees, 31 minutes, 9 seconds north and longitude 125 degrees, 29 minutes, 54 seconds east</p> <p>(xi) The line of longitude 125 degrees, 29 minutes, 54 seconds east (limited to the part south of latitude 24 degrees, 31 minutes, 9 seconds north)</p>
(iii)	Persons in the family register of Taiwan (including authorized organizations of Taiwan, or juridical persons and other organizations established based on the laws and regulations of Taiwan)	<p>The sea areas west of the lines drawn by connecting the following points one after another by straight lines, among the exclusive economic zone</p> <p>(i) The point of intersection between the straight line extending from the point of latitude 24 degrees, 46 minutes north and longitude 122 degrees, 30 minutes east to the point of latitude 24 degrees, 49 minutes, 37 seconds north and 122 degrees, 44 minutes east (referred to as "Point A" in the following item) and the median line (meaning the median line set forth in Article 1, paragraph [2] of the Act on the Exclusive Economic Zone and the Continental Shelf; the same applies in item [x])</p> <p>(ii) Point A</p> <p>(iii) The point of latitude 24 degrees, 50 minutes north and longitude 124 degrees east</p> <p>(iv) The point of latitude 25 degrees, 19 minutes north and longitude 124 degrees, 40 minutes east</p> <p>(v) The point of latitude 25 degrees, 29 minutes, 45 seconds north and longitude 125 degrees, 20 minutes east</p> <p>(vi) The point of latitude 25 degrees, 30 minutes north and longitude 125 degrees, 30 minutes east</p> <p>(vii) The point of latitude 26 degrees, 20 minutes north and longitude 125 degrees, 30 minutes east</p> <p>(viii) The point of latitude 26 degrees, 30 minutes north and longitude 126 degrees east</p> <p>(ix) The point of latitude 27 north and longitude 126 degrees, 20 minutes east (referred to as "Point B" in the following item)</p>

		(x) The point of intersection between the straight line extending from Point B to the point of latitude 27 degrees north and longitude 122 degrees, 30 minutes east and the median line
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(Repeal of the Order for Enforcement of the Act on Temporary Measures Concerning Fishery Waters)

Article 3 The Order for Enforcement of the Act on Temporary Measures Concerning Fishery Waters (Cabinet Order No. 212 of 1977) is abolished.

Supplementary Provisions [Cabinet Order No. 10 of January 21, 1999]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Agreement between Japan and the Republic of Korea Pertaining to the Fishery.

(Repeal of the Cabinet Order on the Establishment of the Sea Area Pertaining to the Fishery under 1 of Article 1 of the Agreement between Japan and the Republic of Korea Pertaining to Fishery)

Article 2 The Cabinet Order on the Establishment of the Sea Area Pertaining to the Fishery under 1 of Article 1 of the Agreement between Japan and the Republic of Korea Pertaining to Fishery (Cabinet Order No. 373 of 1965) shall be abolished.

Supplementary Provisions [Cabinet Order No. 228 of May 26, 2000]

This Cabinet Order comes into effect as of the date of enforcement of the Agreement between Japan and the People's Republic of China Pertaining to Fisheries.

Supplementary Provisions [Cabinet Order No. 310 of June 7, 2000 Extract] [Extract]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act Partially Amending the Cabinet Act (Act No. 88 of 1999) (January 6, 2001).

Supplementary Provisions [Cabinet Order No. 434 of December 28, 2001 Extract] [Extract]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act Partially Amending the Survey Act and the Act on Services Related to Waterways (April 1, 2002).

Supplementary Provisions [Cabinet Order No. 135 of May 10, 2013]

(Effective Date)

(1) This Cabinet Order comes into effect as of the day of promulgation.

(Transitional Measures Concerning Penal Provisions)

(2) Prior laws continue to govern the application of the penal provisions to an act conducted prior to the enforcement of this Cabinet Order.

Supplementary Provisions [Cabinet Order No. 303 of September 12, 2014]

This Cabinet Order comes into effect as of October 1, 2014.

Supplementary Provisions [Cabinet Order No. 379 of November 28, 2014]

This Cabinet Order comes into effect as of the date of enforcement of the Act Partially Amending the Act on Regulation of Fishing Operation by Foreign Nationals and the Act on the Exercise of the Sovereign Right for Fishery, etc. in the Exclusive Economic Zone.