

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

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

(Annexed Islands Included in Japan)

Article 1 The annexed islands specified by Order 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") are 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 or regulation

(Gathering or Catching Aquatic Animals or Plants on a Minor Scale)

Article 2 The gathering or catching of aquatic animals or plants on a minor scale as specified by Order of the Ministry of Agriculture, Forestry and Fisheries pursuant to the proviso of Article 3 of the Act refers to the following gathering or catching of aquatic animals or plants, which in the case set forth in items (i) and (ii) are carried out by a vessel with gross tonnage of less than 3 tons or without a vessel or which are carried out by a legitimate foreign resident under management of a fishery operator with Japanese nationality (including a person that has others gather or catch aquatic animals or plants as a business) using a Japanese vessel with gross tonnage of 3 tons or more, and which in the case of item (iii) are carried out without a vessel:

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

(Application for Permission for Calling)

Article 3 (1) A captain seeking to obtain the authorization under the provisions of Article 4, paragraph (1) of the Act must submit a written application containing the following information to the Minister of Agriculture, Forestry and Fisheries:

- (i) the name and nationality of the captain;
- (ii) the name of the foreign fishing vessel, type, flag state (meaning the State having the right to fly its flag as prescribed in Article 91, paragraph (2) of the United Nations Convention on the Law of the Sea. The same applies

- hereinafter.), gross tonnage, length, width and draft, number pertaining to register of vessels in flag state, identification number of vessels in the International Maritime Organization, a calling code and a number by which the vessel can be identified from its outside, lines of communication with the foreign fishing vessel, and, if the foreign fishing vessel is registered with an international organization relating to the sustainable use of fishery resources or other international frameworks (hereinafter referred to as "international framework"), the number of that register (hereinafter referred to as the "name, etc.");
- (iii) type of fishing gear the foreign fishing vessel is equipped with and existence or nonexistence, type, and destination of the information sent by the satellite vessel positioning system transmitter (a device which measures the location of a vessel and transmits the location information using satellite, and that complies with the following standards. The same applies hereinafter.) and national or international framework requiring the vessel to be equipped with the system;
- (a) the device can measure and record the location of the vessel automatically;
- (b) the device can automatically send the following information
1. Information which can identify the vessel
 2. Information identifying the positions of the vessel and dates and times for each position
- (c) measures are taken to prevent the information listed (b) from being altered
- (iv) the item name, species, conformation, quantity and loading area (including the place where the fish were gathered or caught) of catches, etc. with which the foreign fishing vessel was loaded (hereinafter referred to as "item name, etc."), and in the case of landing to Japanese ports or transshipment to other vessel of all or part of the catches, etc., item name, etc. of the catches, person that has authority to give permission to the foreign fishing vessel to conduct fishing operations, effective period, permission number, and operation area, species and fishing gears pertaining to the permission (hereinafter referred to as "contents of fishing operations, etc.");
- (v) in the case of transshipping catches, etc. from the foreign fishing vessel to other vessel or loading the foreign fishing vessel with the catches, etc. from other vessel, the area and date, name of the other vessel, flag state and identification number of vessels in the International Maritime Organization or other number which can identify the other vessel and item name, etc. of the catches, etc.;
- (vi) name, nationality and domicile of the owner of the foreign fishing vessel and the person that has the right to use the foreign fishing vessel (if the

- person is a corporation or other entity, the name, location of the head office or principal office and name of its representative. Hereinafter referred to as "name, etc.");
- (vii) the name of Japanese ports and a location which the foreign fishing vessel seeks to call at;
 - (viii) date and time and period when the foreign fishing vessel seeks to call at the Japanese port and the purpose of the call; and
 - (ix) name and location of the last port which the foreign fishing vessel called at before this call, and date of entry and departure and name and location of the next port which the foreign fishing vessel seeks to call at, and the purpose of the visit to the port.
- (2) A document containing the following information must be attached to the written application set forth in the preceding paragraph.
- (i) information indicating that the foreign fishing vessel has an effective permission to conduct fishing operations issued by the flag state of the foreign fishing vessel, which is required when it is used for fishing operations or transporting catches, etc. from fishing grounds;
 - (ii) if the foreign fishing vessel is used for fishing operations or transporting catches, etc. within water area under the sovereign power or jurisdiction of a coastal state (excluding the flag state. The same applies hereinafter in this item.), information indicating that the foreign fishing vessel has an effective permission required to conduct fishing operations for such cases issued by the coastal state;
 - (iii) if catches, etc. with which the foreign fishing vessel is loaded are gathered or caught within water area under the sovereign power or jurisdiction of the coastal state, information indicating that the catches, etc. have not been gathered or caught in violation of measures taken by the coastal state for appropriate preservation and management of fishery resources;
 - (iv) if the catches, etc. with which the foreign fishing vessel is loaded are deemed by an international framework to be subject to the application of measures for appropriate preservation and management of fishery resources taken by that international framework, information indicating that the catches, etc. have not been gathered or caught in violation of the measures; and
 - (v) beyond the information set forth in the preceding items, information indicating that the foreign fishing vessel is not engaged in conduct which is the reason why, based on an international framework, Japan has decided to prohibit calls at Japanese ports or to take other necessary measures.

(Application for Permission for Transshipping Catches)

Article 4 (1) The captain of a foreign fishing vessel seeking to be excluded from

the application of the provisions of Article 6, paragraph (1) of the Act by obtaining the permission under the provisions of Article 4, item (ii) of the Order for Enforcement of the Act on Regulation of Fishing Operation by Foreign Nationals (hereinafter referred to as the "Order") must submit a written application containing the following information to the Minister of Agriculture, Forestry and Fisheries:

- (i) the names and nationalities of the captains of the foreign vessel and the other vessel or other foreign fishing vessel;
 - (ii) the names, etc. of the foreign fishing vessel and the other vessel or other foreign fishing vessel;
 - (iii) the type of fishing gear that the foreign fishing vessel and the other vessel (limited to foreign fishing vessel. The same applies hereinafter in this item and next item.) or other foreign fishing vessel is equipped with, the existence or nonexistence, type, destination of the information that is sent by the vessel positioning system transmitter and Nation or International Framework requiring the foreign fishing vessel and the other vessel or other foreign fishing vessel to be equipped with them;
 - (iv) the item name, etc. of the catches, etc with which the foreign fishing vessel and the other vessel or other foreign fishing vessel were loaded with, and contents, etc. of fishing operations of the foreign fishing vessel and the other vessel or other foreign vessel;
 - (v) the name of the owner of the foreign fishing vessel and the other vessel or other foreign fishing vessel, and the person that has the right to use the foreign fishing vessel and the other vessel or other foreign fishing vessel;
 - (vi) the item name, etc., the place of destination, and the name, etc. of the owner of the catches, etc.;
 - (vii) if catches, etc. are transshipped from the foreign fishing vessel to other vessel or the foreign fishing vessel is loaded with catches, etc. from other vessel, the area and date, the name, flag state and identification number of the other vessel in the International Maritime Organization and other information which can identify the other vessel, and item name, etc. of the catches, etc.; and
 - (viii) the name and the location of the last port which the foreign fishing vessel and the other vessel or other foreign fishing vessel called at before transshipping or being loaded with the catches, etc., and the date of entry and departure and the name and location of the next port which the foreign fishing vessel and the other vessel or other foreign fishing vessel seek to call at, and the purpose of the visit to the port.
- (2) A document containing the information set forth the items of the paragraph (2) of the preceding Article must be attached to the written application under the preceding paragraph.

- (3) The captain of a vessel other than a foreign fishing vessel seeking to be excluded from the application of the provisions of Article 6, paragraph (2) of the Act by obtaining the permission under the provisions of Article 4, item (ii) of the Order must submit a written application containing the following information to the Minister of Agriculture, Forestry and Fisheries:
- (i) the names and nationalities of the captains of the vessel and the foreign fishing vessel;
 - (ii) the names, etc. of the vessel and the foreign fishing vessel;
 - (iii) type of fishing gear the foreign fishing vessel is equipped with, and existence or nonexistence, type, destination of information that is sent by the vessel positioning system transmitter and Nation or International Framework requiring the fishing vessel to be equipped with those;
 - (iv) item name, etc. of the catches, etc. with which the foreign fishing vessel was loaded and contents of fishing operations of the foreign fishing vessel;
 - (v) the name, etc. of the owner of the vessel and foreign fishing vessel and of the person that has the right to use of the vessel and foreign fishing vessel;
 - (vi) the item name, etc., the place of destination, and the name, etc. of the owner of the catches, etc.; and
 - (vii) the name and the location of the last port which the vessel and foreign fishing vessel called before being loaded with the catches, etc., and the date of entry and departure and the name and location of the next port which the vessel and foreign fishing vessel seek to call at, and the purpose of the visit to the port.
- (4) The captain of a vessel other than a foreign fishing vessel seeking to be excluded from the application of the provisions of Article 6, paragraph (3) of the Act by obtaining the permission under the provisions of Article 4, item (ii) of the Order must submit a written application containing the following information to the Minister of Agriculture, Forestry and Fisheries:
- (i) the information set forth in items (i) through (vi) of the preceding paragraph;
 - (ii) the name and location of the last port which the vessel called at (excluding Japanese ports) before landing or transshipping the catches, etc., and the date of entry and departure and the name and location of the next port which the vessel seeks to call at, and the purpose of the visit to the port; and
 - (iii) the name and the location of the last port which the foreign fishing vessel called at before loading the catches, etc., and the date of entry and departure and the name and location of the next port which the foreign fishing vessel seeks to call at, and the purpose of the visit to the port.

(Order to Halt)

Article 5 (1) If it is necessary to carry out the inspection or interview under the

provisions of paragraph (1), Article 6-2 of the Act, an authorized fisheries supervisor may order the captain or the person who performs the duties of the captain or commands the operation of a vessel that conducts fishing operations, gathers or catches aquatic animals and plants, conducts preparatory actions for gathering or catching or conducts exploration, to halt.

(2) The order to halt under the preceding paragraph must be issued by announcing or indicating that inspection or interview under the preceding paragraph will be conducted and by using the following signals provided for the International Code of Signals adopted by the International Maritime Organization:

(i) setting up the signal flag "L";

(ii) using a siren, train whistle or other acoustic signal to continuously perform the "L" signal (one short sound, one prolonged sound, two short sounds) at intervals of about seven seconds; and

(iii) using a floodlight to continuously perform the "L" signal (one short light, one prolonged light, two short lights) at intervals of about seven seconds.

(3) In the preceding paragraph, "prolonged sound" or "prolonged light" refers to the action of continuously making a sound or throwing light for about 3 seconds, "short sound" or "short light" refers to the action of continuously making a sound or throwing light for about 1 second.

Supplementary Provisions

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

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

This Ministerial Order comes into effect as of May 10, 1968.

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

This Ministerial Order comes into effect as of the date of promulgation.

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

This Ministerial Order comes into effect as of the date (May 15, 1972) on which the Act on the Amendment and Repeal of the Relevant Laws and Regulations in

Connection with the Reversion of Okinawa comes into effect.

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

(Effective Date)

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

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

Article 1 This Ministerial Order comes into effect as of the date of promulgation.

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

(Effective Date)

Article 1 This Ministerial Order comes into effect as from April 1, 2000.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries No. 4 of February 4, 2015]

This Ministerial Order comes into effect as of the date of promulgation.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries No. 50 of July 21, 2016]

This Ministerial Order comes into effect as of the date (August 20, 2016) on which the Cabinet Order Partially Amending the Order for Enforcement of the Act on Regulation of Fishing Operation by Foreign Nationals comes into effect.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries No. 1 of January 5, 2017]

This Ministerial Order comes into effect as of the day on which thirty days have passed from the date of promulgation.