

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

(Order of the Ministry of Agriculture, Forestry and Fisheries No. 33 of July 15, 1996)

(Minor Harvest of Aquatic Plants and Animals)

Article 1 The minor harvest of aquatic plants and animals as specified by the Order of the Ministry of Agriculture, Forestry and Fisheries set forth in the proviso of Article 4, paragraph (1) of Act on the Exercise of the Sovereign Right for Fishery, etc. in the Exclusive Economic Zone (hereinafter referred to as "the Act") is to be the following harvest of aquatic plants and animals, which is carried out by vessels with a gross tonnage of less than three tons or which is carried out by legitimate foreign residents under the supervision of fishery operators with Japanese nationality (including those that have others harvest or cultivate aquatic plants and animals as a business) using Japanese vessels with gross tonnage of three tons or more.

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

(Application for Permission)

Article 2 (1) Any foreign national who seeks to apply for the permission set forth in Article 5, paragraph (1) of the Act must, with regard to the vessel undertaking the fishery or the harvest of aquatic plants and animals (excluding those falling under the fishery and including fishery incidental acts; the same applies hereinafter), submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries.

- (i) The foreign nation to which the foreign national applying for permission belongs, and the name and address or location of the person
- (ii) The name of the vessel which is the subject of the application, the number indicated on the hull, the type, the size, the maximum speed, the number of crew members, the main base, and the name of the master of the vessel
- (iii) The method of the fishery or the harvest of aquatic plants and animals which is the subject of the application, the kind of target aquatic plants and animals, the planned quantity of fish catches, the planned sea area for operation, and the planned period of operation

(iv) Other matters as specified separately by the Minister of Agriculture, Forestry and Fisheries

(2) In addition to the written application set forth in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries may ask for the submission of documents considered necessary for determining whether or not the permission may be granted.

(Form of Permit)

Article 3 The form of permit issued pursuant to the provisions of Article 5, paragraph (2) of the Act is to be specified separately and announced by the Minister of Agriculture, Forestry and Fisheries.

(Reissuance of a Permit)

Article 4 (1) Any foreign national who has been granted the permission set forth in Article 5, paragraph (1) of the Act must, when having lost or damaged the permit, promptly apply for reissuance of the permit to the Minister of Agriculture, Forestry and Fisheries, indicating the reason of it.

(2) When an application has been made pursuant to the provisions of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries is to issue a permit without delay.

(Statement that Permit has been Granted)

Article 5 The statement that a permit has been granted set forth in paragraph (1) of Article 5 under the provisions of the same Article, paragraph (3) of the Act must be made clearly using a sign that is specified separately and publicly notified by the Minister of Agriculture, Forestry and Fisheries.

(Place Permit must be Kept)

Article 6 The permit set forth in Article 5, paragraph (2) of the Act must be kept on the bridge or other equivalent places.

(Categories of the Limit for the Quantity of Fish Catches)

Article 7 The categories as specified by the Order of the Ministry of Agriculture, Forestry and Fisheries set forth in Article 6, paragraph (1) of the Act are to be specified by the Minister of Agriculture, Forestry and Fisheries, according to the kind of aquatic plants and animals, sea area, and foreign nations to which foreign nationals belong.

(Purpose of Harvest of Aquatic Plants and Animals Pertaining to Authorization)

Article 8 The purpose as specified by the Order of the Ministry of Agriculture,

Forestry and Fisheries set forth in Article 8 of the Act is testing and research as well as practice teaching.

(Approval of Harvest of Aquatic Plants and Animals)

Article 9 Any foreign national who seeks the approval set forth in Article 8 of the Act must submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries for each vessel pertaining to the harvest of aquatic plants and animals.

- (i) The foreign nation to which the foreign national applying for the approval belongs, and the name and address or location of the person
- (ii) The name of the vessel which is the subject of the application, the number indicated on the hull, the size, and the name of the master of the vessel
- (iii) The method of the fishery or the harvest of aquatic plants and animals pertaining to the application, the kind of target aquatic plants and animals, the planned quantity of harvest, the planned sea area for harvest, and the planned period of harvest
- (iv) Other matters as specified separately by the Minister of Agriculture, Forestry and Fisheries

(Approval of Fishery Incidental Acts Pertaining to Fishery by Persons Other Than Foreign Nationals)

Article 10 Any foreign national who seeks the approval set forth in Article 9 of the Act must submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries for each vessel to which the fishery incidental acts pertaining to the fishery or the harvest of aquatic plants and animals by persons other than foreign nationals relate (hereinafter simply referred to as "fishery incidental acts").

- (i) The foreign nation to which the foreign national applying for approval belongs, and the name and address or location of the person
- (ii) The name of the vessel which is the subject of the application, the number indicated on the hull, the type, the size, the maximum speed, the number of crew members, the main base, and the name of the master of the vessel
- (iii) The purpose and type of the fishery incidental acts to which the application pertains, the planned sea area for operation, and the planned period
- (iv) The name and address or location of the person other than the foreign national who undertakes the fishery or the harvest of aquatic plants and animals pertaining to the fishery incidental acts to which the application pertains, and the name of the vessel pertaining to that fishery or harvest of aquatic plants and animals, the number indicated on the hull, the type, the size, the maximum speed, the number of crew members, the main base, and

- the name of the master of the vessel
- (v) In the case of an application pertaining to searches for fish and the collection of fish, the kind of target aquatic plants and animals
 - (vi) In the case of an application pertaining to the storage or processing of fish catches or transportation of fish catches or products made from them, the kind of target fish catches or products made from them and the planned quantity of them
 - (vii) In the case of an application pertaining to supply to a vessel, the details of the supply and the planned quantity of it
 - (viii) Other matters as specified separately by the Minister of Agriculture, Forestry and Fisheries

(Approval of Surveys)

Article 11 Any foreign national who seeks the approval set forth in Article 10 of the Act must submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries for each vessel involved in the survey.

- (i) The foreign nation to which the foreign national applying for approval belongs, and the name and address or location of the person
- (ii) The name of the vessel to which the application pertains, the number indicated on the hull, the type, the size, the maximum speed, the number of crew members, the main base, and the name of the master of the vessel
- (iii) The purpose and method of the survey to which the application pertains, the kind of target aquatic plants and animals, equipment used for the survey, the planned sea area for operation, and the planned period
- (iv) Other matters as specified separately by the Minister of Agriculture, Forestry and Fisheries

(Standards for Authorization)

Article 12 When an application for authorization set forth in Articles 8 through 10 of the Act has been made, the Minister of Agriculture, Forestry and Fisheries must not grant the authorization set forth in Articles 8 through 10 of the Act unless the harvests of aquatic plants and animals, the fishery incidental acts or the surveys pertaining to that application do not hinder the protection of living marine resources, the adjustment of the fishery, or other public interests.

(Application Mutatis Mutandis to Harvest of Aquatic Plants and Animals for Test and Research Purposes)

Article 13 The provisions set forth in Article 2, paragraph (2) and Articles 3 through 6 applies mutatis mutandis to the authorization set forth in Articles 8

through 10 of the Act.

(Order to Stop a Vessel)

Article 14 (1) When it is necessary to inspect or ask a question under the provisions of Article 15-2, paragraph (1) of the Act, an authorized fisheries supervisor may order the master of the vessel pertaining to the fishery, the harvest of aquatic plants and animals or the survey, the person who performs the duties of the master of the vessel, or the person who directs the fishing operation, to stop the vessel.

(2) The order to stop a vessel set forth in the preceding paragraph is to be made by telling or displaying to the effect that the inspection or question set forth in the same paragraph will be made or asked and by using the following signals set forth in International Code of Signals adopted by International Maritime Organization.

(i) Lifting signal flag L

(ii) Continuously blasting L signals (one short blast, one prolonged blast, and two short blasts) by siren, steam whistle or other acoustic means with an interval of about seven seconds between the signals

(iii) Continuously floodlighting L signals (one short light emission, one prolonged light emission, two short light emissions) with an interval of about seven seconds between the signals

(3) In the preceding paragraph, the term "a prolonged blast" or "a prolonged light emission" means a blast or light emission continuing for about three seconds, and the term "a short blast" or "a short light emission" means a blast or light emission continuing for about one second.

(Mutatis Mutandis Application to Fishery, etc. Pertaining to Fixative Species on the Continental Shelf)

Article 15 The provisions of Article 2 through the preceding Article applies mutatis mutandis to the fishery, the harvest of aquatic plants and animals 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.

Parts other than as listed in the items of Article 2, paragraph (1)	Article 5, paragraph (1)	Article 5, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
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Article 2, paragraph (1), item (iii)	planned sea area for operation	planned area for operation
Article 3	Article 5, paragraph (2)	Article 5, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
Article 4, paragraph (1)	Article 5, paragraph (1)	Article 5, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
Article 5	Article 5, paragraph (3)	Article 5, paragraph (3) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
Article 6	Article 5, paragraph (2)	Article 5, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
Article 7	Article 6, paragraph (1)	Article 6, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
Parts other than as listed in Article 8 and the items of Article 9	Article 8	Article 8 of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
Article 9, item (iii)	planned sea area for harvest	planned area for harvest
Parts other than as listed in the items of Article 10	Article 9	Article 9 of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
Article 10, item (iii)	planned sea area	planned sea area or planned area
Parts other than as listed in the items of Article 11	Article 10	Article 10 of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
Article 11, item (iii)	planned sea area	planned area
Articles 12 and 13	Articles 8 through 10	Articles 8 through 10 of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
Paragraph (1) of the preceding Article	in the Exclusive Economic Zone	pertaining to fixative species on the Specified Continental Shelf (meaning the Specified Continental Shelf set forth in Article 3, paragraph [1] of the Act that is replaced pursuant to the provision of Article 5, paragraph [1] of the Order for Enforcement of the Act on the Exercise of the Sovereign Right for Fishery, etc. in the Exclusive Economic Zone [Cabinet Order No. 212 of 1996])

Supplementary Provisions

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date of enforcement of the Act (July 20, 1996).

(Repeal of the Ordinance for Enforcement of Act on Temporary Measures Concerning Fishery Waters)

Article 2 The Ordinance for Enforcement of Act on Temporary Measures Concerning Fishery Waters (Order of the Ministry of Agriculture and Forestry No. 28 of 1977) is abolished.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries No. 50 of September 12, 2014]

This Ministerial Order comes into effect as of the date of enforcement of the Act Partially Amending the Order for Enforcement of the Act on the Exercise of the Sovereign Right for Fishery, etc. in the Exclusive Economic Zone (October, 1, 2014)

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 day of promulgation.