

排他的経済水域における漁業等に関する主権的権利の行使等に関する法律施行規則

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

(平成八年七月十五日農林水産省令第三十三号)

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

(軽易な水産動植物の採捕)

(Minor Harvest of Aquatic Plants and Animals)

第一条 排他的経済水域における漁業等に関する主権的権利の行使等に関する法律（以下「法」という。）第四条第一項ただし書の農林水産省令で定める軽易な水産動植物の採捕は、次に掲げる水産動植物の採捕で、総トン数三トン未満の船舶により行うもの又は適法に我が国に在留する外国人が日本の国籍を有する漁業者（人に水産動植物の採捕をさせることを業とする者を含む。）の管理の下に総トン数三トン以上の日本船舶により行うものとする。

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.

一 さおづり又は手づり（まきづりを除く。）による水産動植物の採捕

(i) Harvest or cultivation of aquatic plants and animals by rod or hand (excluding chumming)

二 たも網、手網、やす及びはし以外の漁具を使用しないで行う水産動植物の採捕

(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

(許可の申請)

(Application for Permission)

第二条 法第五条第一項の許可を受けようとする外国人は、漁業又は水産動植物の採捕

(漁業に該当するものを除き、漁業等付随行為を含む。以下同じ。)に係る船舶に関し、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。

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.

一 許可を申請する外国人の属する外国、氏名又は名称及び住所又は所在地

(i) The foreign nation to which the foreign national applying for permission belongs, and the name and address or location of the person

二 申請に係る船舶の名称、船体に標示されている番号、種類、規模、最大速力、乗組員数、根拠地及び船長の氏名

(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

三 申請に係る漁業又は水産動植物の採捕の方法、対象とする水産動植物の種類及び漁獲予定量、操業予定海域並びに操業予定期間

(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

四 その他農林水産大臣が別に定める事項

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

2 農林水産大臣は、前項の申請書のほか、許可をするかどうかの判断に関し必要と認める書類の提出を求めることができる。

(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.

(許可証の様式)

(Form of Permit)

第三条 法第五条第二項の規定により交付する許可証の様式は、農林水産大臣が別に定めて告示するものとする。

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.

(許可証の再交付)

(Reissuance of a Permit)

第四条 法第五条第一項の許可を受けた外国人は、許可証を亡失し、又はき損した場合には、速やかに、理由を付して農林水産大臣に許可証の再交付を申請しなければならない。

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 農林水産大臣は、前項の規定による申請があったときは、遅滞なく、許可証を交付するものとする。

(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.

(許可を受けた旨の表示)

(Statement that Permit has been Granted)

第五条 法第五条第三項の規定による同条第一項の許可を受けた旨の表示は、農林水産大臣が別に定めて告示する標識により、鮮明にしなければならない。

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.

(許可証の備付場所)

(Place Permit must be Kept)

第六条 法第五条第二項の許可証は、船橋内又はこれに準ずる場所に備え付けておかなければならない。

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

(漁獲量の限度の区分)

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

第七条 法第六条第一項の農林水産省令で定める区分は、水産動植物の種類、海域及び外国人の属する外国の別により農林水産大臣が定めるものとする。

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.

(承認に係る水産動植物の採捕の目的)

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

第八条 法第八条の農林水産省令で定める目的は、試験研究及び教育実習とする。

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.

(水産動植物の採捕の承認)

(Approval of Harvest of Aquatic Plants and Animals)

第九条 法第八条の承認を受けようとする外国人は、水産動植物の採捕に係る船舶ごとに、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。

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.

一 承認を申請する外国人の属する外国、氏名又は名称及び住所又は所在地

(i) The foreign nation to which the foreign national applying for the approval belongs, and the name and address or location of the person

二 申請に係る船舶の名称、船体に標示されている番号、規模及び船長の氏名

(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

三 申請に係る水産動植物の採捕の目的及び方法、対象とする水産動植物の種類及び採捕予定量、採捕予定海域並びに採捕予定期間

(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

四 その他農林水産大臣が別に定める事項

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

(外国人以外の者が行う漁業に係る漁業等付随行為等の承認)

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

第十条 法第九条の承認を受けようとする外国人は、外国人以外の者が行う漁業又は水産動植物の採捕に係る漁業等付随行為（以下単に「漁業等付随行為」という。）に係る船舶ごとに、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。

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").

一 承認を申請する外国人の属する外国、氏名又は名称及び住所又は所在地

(i) The foreign nation to which the foreign national applying for approval belongs, and the name and address or location of the person

二 申請に係る船舶の名称、船体に標示されている番号、種類、規模、最大速力、乗組員数、根拠地及び船長の氏名

(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

三 申請に係る漁業等付随行為の目的及び種類、予定海域並びに予定期間

(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

四 申請に係る漁業等付随行為に係る漁業又は水産動植物の採捕を行う外国人以外の者の氏名又は名称、住所又は所在地並びに当該漁業又は水産動植物の採捕に係る船舶の名称、船体に標示されている番号、種類、規模、最大速力、乗組員数、根拠地及び船長の氏名

(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

五 探索及び集魚に係る申請にあっては、対象となる水産動植物の種類

(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

六 漁獲物の保蔵若しくは加工又は漁獲物若しくはその製品の運搬に係る申請にあっては、対象とする漁獲物又はその製品の種類及びその予定数量

(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

七 船舶への補給に係る申請にあっては、補給するもの及びその予定数量

(vii) In the case of an application pertaining to supply to a vessel, the details of the supply and the planned quantity of it

八 その他農林水産大臣が別に定める事項

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

(探査の承認)

(Approval of Surveys)

第十一条 法第十条の承認を受けようとする外国人は、探査に係る船舶ごとに、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。

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.

一 承認を申請する外国人の属する外国、氏名又は名称及び住所又は所在地

(i) The foreign nation to which the foreign national applying for approval belongs, and the name and address or location of the person

二 申請に係る船舶の名称、船体に標示されている番号、種類、規模、最大速力、乗組員数、根拠地及び船長の氏名

(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

三 申請に係る探査の目的及び方法、対象とする水産動植物の種類、探査に使用する機器類、予定海域並びに予定期間

(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

四 その他農林水産大臣が別に定める事項

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

(承認の基準)

(Standards for Authorization)

第十二条 農林水産大臣は、法第八条から第十条までの承認の申請があつた場合において、それぞれ、当該申請に係る水産動植物の採捕、漁業等付随行為又は探査が海洋生物資源の保護、漁業調整その他公益上の観点から支障がないと認められるときでなければ、法第八条から第十条までの承認をしてはならない。

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.

(試験研究等のための水産動植物の採捕等への準用)

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

第十三条 第二条第二項及び第三条から第六条までの規定は、法第八条から第十条までの承認について準用する。

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.

(停船命令)

(Order to Stop a Vessel)

第十四条 漁業監督官は、法第十五条の二第一項の規定による検査又は質問をするため必要があるときは、漁業、水産動植物の採捕又は探査に係る船舶の船長、船長の職務を行う者又は操業を指揮する者に対し、停船を命ずることができる。

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 前項の停船命令は、同項の検査又は質問をする旨を告げ又は表示し、かつ、国際海事機関が採択した国際信号書に規定する次に掲げる信号を用いて行うものとする。

(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.

一 信号旗Lを掲げる。

(i) Lifting signal flag L

二 サイレン、汽笛その他の音響信号によりLの信号（短音一回、長音一回、短音二回）を約七秒の間隔を置いて連続して行う。

(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

三 投光器によりLの信号（短光一回、長光一回、短光二回）を約七秒の間隔を置いて連続して行う。

(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 前項において、「長音」又は「長光」とは、約三秒間継続する吹鳴又は投光をいい、「短音」又は「短光」とは、約一秒間継続する吹鳴又は投光をいう。

(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.

(大陸棚の定着性種族に係る漁業等への準用等)

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

第十五条 第二条から前条までの規定は、大陸棚であつて排他的経済水域でない区域の定着性種族に係る漁業、水産動植物の採捕及び探査について準用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

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.

第二条第一項各号 列記以外の部分 Parts other than as listed in the items of Article 2, paragraph (1)	第五条第一項 Article 5, paragraph (1)	第十四条第一項において準用する法第五 条第一項 Article 5, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
第二条第一項第三 号 Article 2, paragraph (1), item (iii)	操業予定海域 planned sea area for operation	操業予定区域 planned area for operation
第三条 Article 3	第五条第二項 Article 5, paragraph (2)	第十四条第一項において準用する法第五 条第二項 Article 5, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
第四条第一項 Article 4, paragraph (1)	第五条第一項 Article 5, paragraph (1)	第十四条第一項において準用する法第五 条第一項 Article 5, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)

第五条 Article 5	第五条第三項 Article 5, paragraph (3)	第十四条第一項において準用する法第五 条第三項 Article 5, paragraph (3) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
第六条 Article 6	第五条第二項 Article 5, paragraph (2)	第十四条第一項において準用する法第五 条第二項 Article 5, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
第七条 Article 7	第六条第一項 Article 6, paragraph (1)	第十四条第一項において準用する法第六 条第一項 Article 6, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
第八条及び第九条 各号列記以外の部 分 Parts other than as listed in Article 8 and the items of Article 9	第八条 Article 8	第十四条第一項において準用する法第八 条 Article 8 of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
第九条第三号 Article 9, item (iii)	採捕予定海域 planned sea area for harvest	採捕予定区域 planned area for harvest
第十条各号列記以 外の部分 Parts other than as listed in the items of Article 10	第九条 Article 9	第十四条第一項において準用する法第九 条 Article 9 of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
第十条第三号 Article 10, item (iii)	予定海域 planned sea area	予定海域又は予定区域 planned sea area or planned area
第十一条各号列記 以外の部分 Parts other than as listed in the items of Article 11	第十条 Article 10	第十四条第一項において準用する法第十 条 Article 10 of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)
第十一条第三号 Article 11, item (iii)	予定海域 planned sea area	予定区域 planned area
第十二条及び第十 三条 Articles 12 and 13	第八条から第十条 まで Articles 8 through 10	第十四条第一項において準用する法第八 条から第十条まで Articles 8 through 10 of the Act, as applied mutatis mutandis pursuant to Article 14, paragraph (1)

前条第一項 Paragraph (1) of the preceding Article	排他的経済水域に おいて行う in the Exclusive Economic Zone	行う特定大陸棚（排他的経済水域における漁業等に関する主権的権利の行使等に関する法律施行令（平成八年政令第二百十二号）第五条第一項の規定により読み替えられた法第三条第一項に規定する特定大陸棚をいう。）の定着性種族に係る 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])
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附 則

Supplementary Provisions

（施行期日）

(Effective Date)

第一条 この省令は、法の施行の日（平成八年七月二十日）から施行する。

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

（漁業水域に関する暫定措置法施行規則の廃止）

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

第二条 漁業水域に関する暫定措置法施行規則（昭和五十二年農林省令第二十八号）は、廃止する。

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.

附 則 〔平成二十六年九月十二日農林水産省令第五十号〕

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

この省令は、排他的経済水域における漁業等に関する主権的権利の行使等に関する法律施行令の一部を改正する政令の施行の日（平成二十六年十月一日）から施行する。

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)

附 則 〔平成二十七年二月四日農林水産省令第四号〕

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

この省令は、公布の日から施行する。

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