

Act on Conservation and Management of Living Marine Resources

(Act No. 77 of June 14, 1996)

(Purpose)

Article 1 The purpose of this Act is to conserve and manage the living marine resources in Japan's exclusive economic zone, etc. in coordination with the measures, etc. taken under the Fishery Act (Act No. 267 of 1949) or the Act on the Protection of Fishery Resources (Act No. 313 of 1951), as well as to ensure the appropriate implementation of the United Nations Convention on the Law of the Sea, thereby contributing to the development of fisheries and the stable supply of aquatic products, by establishing a plan for the conservation and management of living marine resources in Japan's exclusive economic zone, etc. and by taking the required measures to manage the fish catch and the fishing effort.

(Definitions)

Article 2 (1) The term "exclusive economic zone, etc." as used in this Act means Japan's exclusive economic zone, territorial seas, internal waters (excluding inland waters), and the continental shelf (meaning the continental shelf provided in Article 2 of Act on the Exclusive Economic Zone and the Continental Shelf (Act No. 74 of 1996).

(2) The term "total allowable catch" as used in this Act means the maximum limit of the annual quantity of each type of living marine resources which may be gathered or caught in the exclusive economic zone, etc.

(3) The term "fishing effort" as used in this Act means the amount of fishing work carried out for gathering or catching living marine resources, and which the amount is indicated for each type of gathering or catching mode by the number of fishing days and other indicators prescribed by Order of Ministry of Agriculture, Forestry and Fisheries.

(4) The term "total allowable effort" as used in this Act means the maximum limit of the total annual fishing effort in the exclusive economic zone, etc. for each type of living marine resources and for the gathering or catching mode to which each type is subject, and when each type of living marine resources are managed based on the fishing effort within designated areas of the sea or designated periods of time in relation to the gathering or catching mode, this means the maximum limit of the total annual fishing effort for each gathering or catching mode by the type of living marine resources, etc.

(5) The term "specified living marine resources" as used in this Act means Class I

- specified living marine resources and Class II specified living marine resources.
- (6) The term "Class I specified living marine resources" as used in this Act means living marine resources which are appropriate to conserve and manage by deciding the total allowable effort for the exclusive economic zone, etc. and are specified by Cabinet Order.
- (7) The term "Class II specified living marine resources" as used in this Act means living marine resources which are appropriate to conserve and manage by deciding the total allowable effort for the exclusive economic zone, etc. and are specified by Cabinet Order.
- (8) When the Minister of Agriculture, Forestry and Fisheries plans to establish, amend, or repeal the Cabinet Order set forth in the preceding two paragraphs, the Minister must hear the opinion of the Fisheries Policy Council.

(Basic Plan)

Article 3 (1) The Minister of Agriculture, Forestry and Fisheries is to establish a basic plan on the conservation and management of living marine resources (hereinafter referred to as the "basic plan") for conserving and managing living marine resources in the exclusive economic zone, etc.

(2) The basic plan is to prescribe the following matters:

- (i) basic policy concerning the conservation and management of living marine resources;
- (ii) matters concerning the trend for each specified living marine resource;
- (iii) matters concerning the total allowable catch for each Class I specified living marine resource;
- (iv) matters concerning the quantities of the total allowable catch under the preceding item for each type of fisheries from among designated fisheries as provided in Article 52, paragraph (1) of the Fishery Act, fisheries requiring a disposition such as permission from the Minister of Agriculture, Forestry and Fisheries pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries based on the provisions of Article 65, paragraph (1) or (2) of the same Act, or Article 4, paragraph (1) or (2) of the Act on the Protection of Fishery Resources, and other fisheries as provided by Order of the Ministry of Agriculture, Forestry and Fisheries (hereafter referred to as "designated fisheries, etc.");
- (v) for quantities as set forth in the preceding item, matters concerning quantities by fishing area or by fishing period, when such quantities are designated;
- (vi) matters concerning the quantities of total allowable catch under item (iii) (excluding the quantities under item (iv) and amounts pertaining to the gathering or catching of Class I specified living marine resources by persons provided by Cabinet Order) for each prefecture that has the sea within its

- areas (hereinafter simply referred to as "prefectures");
- (vii) matters concerning measures to be implemented for the quantities under item (iv) (or the quantities listed in item (v) when the quantities are designated; hereinafter referred to as "quantity managed by the Minister");
 - (viii) matters concerning the gathering or catching mode subject to management based on fishing effort for each Class II specified living marine resource, and the sea area, period, and total allowable effort for each gathering or catching mode;
 - (ix) matters concerning the amount of total allowable effort under the preceding item for the type of designated fisheries, etc. (limited to gathering or catching mode that are subject to control by fishing effort) (hereinafter referred to as "fishing effort managed by the Minister");
 - (x) matters concerning the amount of total allowable effort under item (viii) (excluding fishing effort managed by the Minister) specified for each prefecture;
 - (xi) matters concerning the measures to be implemented in regard to fishing effort managed by the Minister; and
 - (xii) other important matters concerning the conservation and management of living marine resources.
- (3) The matters set forth in items (iii) and (viii) of the preceding paragraph are to be decided based on matters under item (ii) of the same paragraph and the relationship thereof to other living marine resources, etc., for the purpose of maintaining or restoring specified living marine resources to the level that allows maximum sustainable production to be realized, taking into account of the fishery management pertaining to the specified living marine resources and other circumstances.
- (4) When the Minister of Agriculture, Forestry and Fisheries seeks to establish the basic plan, the Minister must hear the opinion of the Fisheries Policy Council.
- (5) When the Minister of Agriculture, Forestry and Fisheries seeks to decide the quantity under paragraph (2), item (vi) or the amount under item (x) of the same paragraph, the Minister is to hear the opinions of the governors of each prefecture concerned with the relevant portion, in advance, and when the quantity or amount have been decided, they are to notify the governor of the prefecture concerned of the relevant portion without delay.
- (6) When the Minister of Agriculture, Forestry and Fisheries has formulated the basic plan, the Minister must publicize it without delay.
- (7) The Minister of Agriculture, Forestry and Fisheries must review the basic plan at least once a year, taking account of the trend for each specified living marine resource, the management of fisheries pertaining to the specified living marine resources, and other circumstances, and must change the basic plan

when they find it necessary.

- (8) In conducting the review under the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must hear the opinion of the Fisheries Policy Council.
- (9) The provisions of paragraphs (4) through (6) apply mutatis mutandis to the change to the basic plan pursuant to the provisions of paragraph (7).

(Prefectural Plan)

Article 4 (1) The governor of each prefecture is to formulate a prefectural plan concerning measures to be implemented for quantities under paragraph (2), item (vi) of the preceding Article or amounts under item (x) of the same paragraph, in line with the basic plan (hereinafter referred to as the "prefectural plan").

(2) the prefectural plan is to prescribe the following matters:

- (i) policy concerning the conservation and management of living marine resources;
- (ii) matters concerning quantities as set forth in paragraph (2), item (vi) of the preceding Article;
- (iii) for the quantities set forth in the preceding item, matters concerning the quantities of Class I specified living marine resources by the gathering or catching mode, the sea area, or period, when such quantities are designated;
- (iv) matters concerning measures to be implemented for quantities as set forth in item (ii) (or the quantities under the preceding item, if such quantities are designated; referred to as "quantity of Class I specified living marine resources managed by the governor" in Article 8, paragraph (2));
- (v) matters concerning quantities under paragraph (2), item (x) of the preceding Article;
- (vi) from among the quantities under the preceding item, matters concerning amounts of each type of gathering or catching mode (limited to the gathering or catching mode subject to management based on fishing effort and other than designated fishery, etc.) for Class II specified living marine resources (hereinafter referred to as "fishing effort managed by the governor for Class II specified living marine resources");
- (vii) matters concerning measures to be implemented in regard to fishing effort managed by the governor for Class II specified living marine resources; and
- (viii) other important matters concerning the conservation and management of living marine resources.

(3) When the governor of each prefecture seeks to establish a prefectural plan, the governor must obtain approval of the Minister of Agriculture, Forestry and Fisheries.

(4) When the governor of each prefecture seeks to establish a prefectural plan

(excluding the matters listed in paragraph (2), items (ii) and (v); the same applies in paragraph (8)), the governor must hear the opinion of the relevant Sea Area Fishery Adjustment Commission.

- (5) When the governor of each prefecture has formulated the prefectural plan, the governor must publicize it without delay.
- (6) When the Minister of Agriculture, Forestry and Fisheries finds that the prefectural plans do not conform to the basic plan due to a change in the basic plan, the Minister must notify the governor of the prefecture pertaining to the prefectural plan that the prefectural plan should be changed.
- (7) When the governor of the prefecture concerned has received a notification pursuant to provisions of the preceding paragraph, the governor must change the prefectural plan.
- (8) In addition to the cases referred to in the preceding paragraph, the governor of each prefecture must review the prefectural plan at least once a year, taking into account of the trend for designated living marine resources (meaning the Class I designated living marine resources and Class II designated living marine resources under paragraph (1) of the following Article; the same applies hereinafter), the management of fisheries pertaining to the specified living marine resources or designated living marine resources, and other circumstances, and change the plan when they find it necessary.
- (9) In conducting the review under the preceding item, the governor of each prefecture must hear the opinion of the relevant Sea Area Fishery Adjustment Commission.
- (10) The provisions of paragraphs (3) through (5) apply mutatis mutandis to a change in the prefectural plan pursuant to the provisions of paragraph (7) or (8).

(Conservation and Management of Designated Living Marine Resources)

Article 5 (1) Among living marine resources other than specified living marine resources, the governor of each prefecture may designate, etc. living marine resources by Prefectural Ordinance as living marine resources to be conserved and managed in the sea area designated by Prefectural Ordinance (hereinafter referred to as "the designated sea area") by deciding the prefectural catch limit (meaning the maximum annual limit for gathering or catching each type of living marine resources in the designated sea area by persons other than those operating a designated fishery, etc. and specified by Cabinet Order set forth in Article 3, paragraph (2), item (vi); the same applies hereinafter) (hereinafter referred to as "Class I designated living marine resources") or may designate, etc. living marine resources by Prefectural Ordinance as living marine resources to be conserved and managed, by deciding the prefectural limit for fishing effort (meaning the maximum limit of the total annual fishing effort for

the prefecture (the amount of fishing work (excluding work by persons who operate a designated fishery, etc.) carried out for gathering or catching each type of living marine resources, with this amount being expressed as a number of fishing days and by any other indicator provided in Prefectural Regulations for each gathering or catching mode related to that type of living marine resources; the same applies hereinafter) for each type of living marine resources and for the gathering or catching mode to which each such type is subject, and when each type of living marine resources are managed based on the prefectural fishing effort within designated sea areas or designated periods of time in relation to the gathering or catching mode, this means the maximum limit of the total annual fishing effort for the prefecture for each such gathering or catching mode for each type of living marine resources, etc.; the same applies hereinafter) (hereinafter referred to as "Class II designated living marine resources"), and when the governor designates Class I and Class II designated living marine resources, the governor is to prescribe the following matters in the prefectural plan:

- (i) matters concerning the trend for each designated living marine resource;
- (ii) matters concerning the prefectural catch limit for each Class I designated living marine resource;
- (iii) for prefectural catch limit set forth in the preceding item, matters concerning the limits by the gathering or catching mode, the sea area, or period for Class I designated living marine resources, when such limits are designated;
- (iv) matters concerning the measures to be implemented regarding prefectural catch limits set forth in item (ii) (the quantities under the previous item when such quantities are designated; referred to as "quantity of Class I designated living marine resources managed by the governor" in Article 8, paragraph (2));
- (v) matters concerning the gathering or catching mode subject to management based on the prefectural fishing effort for each type of Class II designated living marine resource, and the sea area, the period, and prefectural fishing effort limit for each type of catching mode;
- (vi) from among prefectural fishing effort limits as set forth in the preceding item, matters concerning the limits specified by the gathering or catching mode (limited to the gathering or catching mode subject to management based on the prefectural fishing effort) for Class II designated living marine resources (hereinafter referred to as "fishing effort managed by the governor for Class II designated living marine resources"); and
- (vii) matters concerning the measures to be implemented in regard to fishing effort managed by the governor for Class II designated living marine resources.

- (2) The matters set forth items (ii) and (v) of the preceding paragraph are to be decided based on the matter stated in item (i) of the same paragraph, the relationship thereof to other living marine resources, etc., for the purpose of maintaining or restoring designated living marine resource to the level that allow maximum sustainable production to be realized, taking into account fishery management pertaining to the designated living marine resources and other circumstances.
- (3) Prefectural Ordinance for designating the sea area and living marine resources under paragraph (1) may be established if the prefecture finds it necessary to conserve and manage specific living marine resources by deciding the prefectural catch limits or prefectural fishing effort limits in the whole or part of those sea areas (limited to the exclusive economic zone, etc.; the same applies in Article 17, paragraph (3)) that border the prefecture.

Article 6 A prefectural governor may make necessary requests to the Minister of Agriculture, Forestry and Fisheries or the governor of any relevant prefecture about measures that should be taken by the Minister of Agriculture, Forestry and Fisheries or by the governor of the relevant prefecture, when the governor finds it especially necessary for appropriately ensuring the effective implementation of the prefectural plan (limited to the matters provided in paragraph (1) of the preceding Article).

(Measures for Achieving the Basic Plan)

- Article 7 (1) The Minister of Agriculture, Forestry and Fisheries and a prefectural governor must take in addition to the measures pursuant to the provisions of this Act, other necessary measures, such as restricting the gathering or catching of aquatic animals and plants pursuant to the provisions of Article 34, paragraph (1) of the Fishery Act (including as applied mutatis mutandis pursuant to Article 63, paragraph (1) of the same Act following the deemed replacement of terms), Article 34, paragraph (3) or (4), Article 39, paragraph (1) (including as applied mutatis mutandis pursuant to Article 63, paragraph (1) of the same Act following the deemed replacement of terms), Article 39, paragraph (5), Article 65, paragraph (1) or (2), or Article 66, paragraph (1) of the same Act, or Article 4, paragraph (1) or (2) of the Act on the Protection of Fishery Resources, for the Minister to achieve the basic plan (excluding the matters listed in Article 3, paragraph (2), items (vi) and (v)) and for the governor to achieve the prefectural plan.
- (2) When a prefectural governor seeks to apply the provisions of Article 34, paragraph (4) of the Fishery Act for achieving the prefectural plan, the governor may attach restrictions or conditions to fishery rights regardless of the application filed by the relevant Sea Area Fishery Adjustment Commission

provided in the same paragraph. In this case, the provisions of paragraph (2) of the same Article and Article 37, paragraph (4) of the same Act apply mutatis mutandis.

(Publication of the Amount of Gathering or Catching, or of Fishing Effort)

Article 8 (1) If the Minister of Agriculture, Forestry and Fisheries finds that the amount of gathering or catching which is subject to quantity managed by the Minister is likely to exceed the quantity managed by the Minister, or that fishing effort which is subject to fishing effort managed by the Minister is likely to exceed the fishing effort managed by the Minister, the Minister is to make public the amount of gathering or catching, or fishing effort and other matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) If a prefectural governor finds that the amount of gathering or catching subject to quantity of Class I designated living marine resources managed by the governor or quantity of Class I specified living marine resources managed by the governor (hereinafter collectively referred to as "quantity managed by the governor") is likely to exceed the quantity managed by the governor, or that fishing effort or prefectural fishing effort subject to fishing effort managed by the governor for Class II specified living marine resources or fishing effort managed by the governor for Class II designated living marine resources (hereinafter collectively referred to as "fishing effort managed by the governor") is likely to exceed the fishing effort managed by the governor, the governor is to make public the amount of gathering or catching, fishing effort, or prefectural fishing effort and other matters provided by Order of Ministry of Agriculture, Forestry and Fisheries.

(Advice, Guidance, or Recommendation)

Article 9 (1) If the Minister of Agriculture, Forestry and Fisheries finds it necessary so as not to allow the amount of gathering or catching subject to quantity management by the Minister to exceed the quantity managed by the Minister, or so as not to allow the fishing effort subject to fishing effort management by the Minister to exceed the fishing effort managed by the Minister, after publicizing information pursuant to the provisions of paragraph (1) of the preceding Article, the Minister may give necessary advice, guidance, or recommendations to the persons carrying out the gathering or catching related to the quantity managed by the Minister or fishing effort managed by the Minister, on their gathering or catching that is related to the quantity managed by the Minister or fishing effort managed by the Minister.

(2) If a prefectural governor finds it necessary so as not to allow the amount of gathering or catching subject to quantity managed by the governor to exceed

the quantity managed by the governor, or so as not to allow the fishing effort subject to fishing effort managed by the governor to exceed the fishing effort managed by the governor after the publicizing information pursuant to the provisions of paragraph (2) of the preceding Article, the governor may give necessary advice, guidance, or recommendations to the persons carrying out the gathering or catching related to the quantity managed by the governor or fishing effort managed by the governor, on their gathering or catching that is related to the quantity managed by the governor or fishing effort managed by the governor.

(Suspension of Gathering or Catching)

Article 10 (1) If the Minister of Agriculture, Forestry and Fisheries finds that the quantity of gathering or catching subject to quantity managed by the Minister has exceeded or is very likely to exceed the quantity managed by the Minister or that the fishing effort subject to fishing effort managed by the Minister has exceeded or is very likely to exceed the fishing effort managed by the Minister, the Minister may issue necessary order to the persons carrying out the gathering or catching related to the quantity managed by the Minister or fishing effort managed by the Minister, concerning the suspension of the gathering or catching being carried out for the purpose of gathering or catching the specified living marine resources related to the quantity managed by the Minister or fishing effort managed by the Minister and on other matters regarding the gathering or catching of the specified living marine resources, for a period prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) If a prefectural governor finds that the amount of gathering or catching subject to quantity managed by the governor has exceeded or is very likely to exceed the quantity managed by the governor or that the fishing effort subject to fishing effort managed by the governor has exceeded or is very likely to exceed the fishing effort managed by the governor, the governor may issue a necessary order to the persons carrying out the gathering or catching pertaining to the quantity managed by the governor or fishing effort managed by the governor, concerning the suspension of the gathering or catching being carried out for the purpose of gathering or catching the designated living marine resources pertaining to the quantity managed by the governor or fishing effort managed by the governor, and on other matters regarding the gathering or catching of the designated living marine resources, for a period prescribed by Prefectural Regulations.

(Catching Limit by Allocation)

Article 11 (1) The Minister of Agriculture, Forestry and Fisheries or a

prefectural governor may allocate a catch limit related to quantity managed by the Minister or quantity managed by the governor for each person carrying out the gathering or catching, before the beginning of the one-year period in which control is to be subject to the quantity managed by the Minister or quantity managed by the governor, based on the basic plan for designated fisheries, etc. for the Minister and based on the prefectural plan for fisheries requiring permission or other dispositions by the governor pursuant to the provisions of regulations based on the provisions of Article 65, paragraph (1) or (2) of the Fishery Act, or Article 4, paragraph (1) or (2) of the Act on the Protection of Fishery Resources, or the provisions of Article 66, paragraph (1) of the Fishery Act (referred to as "fisheries permitted by the governor" in paragraph (1) of Article 18) for the governor.

- (2) When the Minister of Agriculture, Forestry and Fisheries or a prefectural governor seeks to make allocations under the preceding paragraph, the Minister or the governor must establish a standard for the allocations by taking into account at least the following matters, and make the allocations in conformity with that standard:
 - (i) the number or gross tonnage of the ships used by the person carrying out gathering or catching; and
 - (ii) the catching status of the person carrying out the gathering or catching.
- (3) When the Minister of Agriculture, Forestry or Fisheries seeks to establish the standard under the preceding paragraph, the Minister must hear the opinions of the Fisheries Policy Council.
- (4) When a prefectural governor seeks to establish the standard under paragraph (2), the governor must hear the opinion of the relevant Sea Area Fishery Adjustment Commission.
- (5) A person who has been allocated a catch limit pursuant to the provisions of paragraph (1) may not catch more than the quantity of Class I specified living marine resources or of Class I designated living marine resources that the person has been allocated in the sea area pertaining to the allocation.

(Order to Anchor)

Article 12 (1) When the Minister of Agriculture, Forestry and Fisheries finds that a person carrying out gathering or catching related to quantity managed by the Minister has performed an act in violation of an order under Article 10, paragraph (1) or of the provisions of paragraph (5) of the preceding Article and is likely to continue to perform the act, or when the Minister finds that a person who carries out gathering or catching related to fishing effort managed by the Minister has performed an act in violation of an order under Article 10, paragraph (1) and is likely to continue to perform the act, the Minister may order the person carrying out the gathering or catching to anchor the ship used

- in the act in violation, and may specify the port and the period for anchorage.
- (2) When a prefectural governor finds that a person carrying out gathering or catching related to quantity managed by the governor has performed an act in violation of an order under Article 10, paragraph (2) or of the provisions of paragraph (5) of the preceding Article and is likely to continue to perform the act, or finds that a person who carries out gathering or catching related to fishing effort managed by the governor has performed an act in violation of an order under Article 10, paragraph (2) and is likely to continue to perform the act, the governor may order the person carrying out the gathering or catching to anchor the ship used in the act in violation, and may specify the port and the period for anchorage.
- (3) When the Minister of Agriculture, Forestry and Fisheries or a prefectural governor seeks to issue an order pursuant to the provisions of the preceding two paragraphs, the Minister or the governor must hold a hearing, regardless of its classification as a proceeding for statement of opinions pursuant to the provisions of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).
- (4) The proceedings pertaining to a disposition pursuant to the provisions of paragraph (1) or (2) on a hearing date must be opened to the public.

(Conclusion of Agreements)

- Article 13 (1) A person who carries out catching related to quantity managed by the Minister or fishing effort managed by the Minister may enter into an agreement on the conservation and management of the specified living marine resources related to the quantity managed by the Minister or fishing effort managed by the Minister, and may obtain certification from the Minister of Agriculture, Forestry and Fisheries to the effect that the agreement is appropriate.
- (2) A person who carries out catching related to quantity managed by the governor or fishing effort managed by the governor may enter into an agreement on the conservation and management of the specified living marine resources or designated living marine resources related to the quantity managed by the governor or fishing effort managed by the governor, and may obtain certification from the governor of the prefecture concerned to the effect that the agreement is appropriate.
- (3) The agreement under either of the preceding two paragraphs (hereinafter simply referred to as the "agreement") is to prescribe the following matters:
- (i) the sea area, the specified living marine resources, or designated living marine resource, and the gathering or catching mode subject to the agreement;
 - (ii) the method of conserving and managing the specified living marine

- resources or designated living marine resources;
- (iii) the valid period of the agreement;
- (iv) measures in the event that the agreement is violated; and
- (v) other matters as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Certification of Agreements)

Article 14 (1) If a request for the certification set forth in paragraph (1) or (2) of the preceding Article falls under all of the following items, the Minister of Agriculture, Forestry and Fisheries or a prefectural governor is to issue a certification as set forth in the relevant provision:

- (i) the content of the agreement is found to contribute to quantity managed by the Minister, fishing effort managed by the Minister, quantity managed by the governor, or fishing effort managed by the governor;
 - (ii) the content of the agreement is not unfairly discriminatory;
 - (iii) the content of the agreement does not violate this Act, orders based on this Act, or other relevant laws and regulations; and
 - (iv) other standards prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) Beyond what is provided for in the preceding paragraph, necessary matters concerning the certification of the agreement (including certification of changes to the agreement), and the withdrawal from or discontinuance of the agreement are specified by Cabinet Order.

(Arrangements for Participation in an Agreement)

Article 15 (1) When a person participating in an agreement that has been certified pursuant to Article 13, paragraph (1) or (2) (hereinafter referred to as a "certified agreement") shows the certified agreement to a person who is not a participant thereto but who carries out the gathering or catching of the types of specified living marine resources or designated living marine resources subject to the certified agreement by the gathering or catching mode in the sea areas subject to the certified agreement and asks the non-participant to participate in the certified agreement, if there is a non-participant that does not agree to participate, the participant to the certified agreement may request the Minister of Agriculture, Forestry and Fisheries or the prefectural governor who has given certification pursuant to Article 13, paragraph (1) or (2) to make the necessary arrangements for obtaining the consent of that non-participant, as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) When a request has been made pursuant to the preceding paragraph, if the Minister of Agriculture, Forestry and Fisheries or a prefectural governor finds that the participation of the person who is not a participant to the certified

agreement is appropriate in light of the provisions of paragraph (1) of the preceding Article and finds it especially necessary to request the person's participation in view of the content of the certified agreement, the Minister or the governor is to make the arrangements.

(Measures Under the Fishery Act)

- Article 16 (1) If the number of persons participating in a certified agreement is not less than two thirds of all the persons who carry out the gathering or catching of the specified living marine resources or designated living marine resources subject to the certified agreement by the gathering or catching mode in the sea areas subject to the certified agreement, and if the number of all those persons exceed the rate prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries and also conforms to other standards prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, the participants may request that the Minister of Agriculture, Forestry and Fisheries or a prefectural governor take the necessary measures for the achievement of the purpose of the certified agreement, as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) If a request has been made pursuant to the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries or a prefectural governor is to take such measures as placing restrictions on gathering or catching the relevant aquatic animals or plants or any other appropriate measures pursuant to the provisions of Article 34, paragraph (1) of the Fishery Act (including as applied *mutatis mutandis* pursuant to Article 63, paragraph (1) of the same Act following the deemed replacement of terms), Article 34, paragraph (3) or (4), Article 65, paragraph (1) or (2), or Article 66, paragraph (1) of the Fishery Act, or Article 4, paragraph (1) or (2) of the Act on the Protection of Fishery Resources, taking into agreement the content of the request, if the Minister or the governor finds it necessary for adjustment of fisheries, protection and culture of aquatic resources, and public interest.
- (3) When a prefectural governor seeks to apply the provisions of Article 34, paragraph (4) of the Fishery Act based on the request under paragraph (1), the governor may attach a restriction or condition on the fishing rights, regardless of the request made by the relevant Sea Area Fishery Adjustment Commission provided in the same paragraph. In this case, the provisions of paragraph (2) of the same Article and Article 37, paragraph (4) of the same Act apply *mutatis mutandis*.
- (4) The provisions of the preceding paragraph apply *mutatis mutandis* when the Minister of Agriculture, Forestry and Fisheries seeks to apply the provisions of Article 34, paragraph (4) of the Fishery Act pursuant to the provisions of Article 136 of the same Act based on the request under paragraph (1).

(Report of the Amount Gathered or Caught, or Fishing Effort)

- Article 17 (1) When a person who operates a designated fishery, etc. and is prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries has gathered or caught Class I specified living marine resources in the exclusive economic zone, etc., the person must report the matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries concerning the amount gathered or caught and its status to the Minister of Agriculture, Forestry and Fisheries, as prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) When a person who carries out gathering or catching related to fishing effort managed by the Minister has done fishing work related to fishing effort subject to the fishing effort managed by the Minister, the person must report the matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries concerning the fishing effort and gathering or catching status to the Minister of Agriculture, Forestry and Fisheries, as prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) When a person who is prescribed in Prefectural Regulations and who is a person other than the person operating a designated fishery, etc. or the person specified by Cabinet Order under Article 3, paragraph (2), item (vi) has caught Class I specified living marine resources in the sea bordering the prefecture, or has gathered or caught the prefecture's Class I designated living marine resources in that prefecture's designated sea area, the person must report the matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries concerning the quantity gathered or caught and its status to the governor of the prefecture, as provided in Prefectural Regulations.
- (4) When a person who carries out gathering or catching related to fishing effort managed by the governor has done fishing work related to the fishing effort or prefectural fishing effort subject to fishing effort managed by the governor, the person must report the matters prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries concerning the fishing effort or prefectural fishing effort and gathering or catching status to the governor of the relevant prefecture, as provided in Prefectural Regulations.

(Report and On-Site Inspection)

- Article 18 (1) The Minister of Agriculture, Forestry and Fisheries may ask a person who operates a designated fishery, etc. that gathers or catches specified living marine resources and other persons concerned, and a prefectural governor may ask a person who operates fishery permitted by the governor that gathers or catches specified living marine resources or designated living marine resources of the prefecture concerned and other persons concerned to

report on their gathering or catching status and on any other necessary matters, or have their employees enter the fishing area, ship, workplace, office, or warehouse of those persons, to inspect the status of business or the catch, books, documents, or other objects, to the extent necessary for the implementation of this Act.

- (2) An employee who carries out an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and show it to the persons concerned.
- (3) The authority for on-site inspection pursuant to the provisions of paragraph (1) may not be construed as being granted for criminal investigation.

(Collection of Reports by the Fisheries Policy Council)

Article 19 The Fisheries Policy Council may ask a person who operates a designated fishery, etc. and who gathers or catches specified living marine resources or any other relevant persons to appear before the council or to make a report on necessary matters, or may have a member of the council or a person engaged in the affairs of the council carry out the necessary examination of the fishing area, ship, workplace, or office, if the council finds it necessary for dealing with a matter over which it holds authority pursuant to the provisions of this Act.

(Classification of Affairs)

Article 20 The affairs to be dealt with by a prefecture pursuant to the provisions of this Act (excluding Article 3, paragraph (5) (including as applied mutatis mutandis pursuant to paragraph (9) of the same Article) and Article 6) are to be Type 1 statutory entrusted functions provided under Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

(Transitional Measures)

Article 21 When Cabinet Order, Order of the Ministry of Agriculture, Forestry and Fisheries, Prefectural Ordinance, or Prefectural Regulation based on the provisions of this Act is to be established, amended, or repealed, the Cabinet Order, Order of the Ministry of Agriculture, Forestry and Fisheries, Prefectural Order, or Prefectural Regulation may prescribe necessary transitional measures (including transitional measures on penal provisions) to the extent reasonably judged to be necessary for the establishment, amendment, or repeal.

(Penal Provisions)

Article 22 A person who falls under any of the following items is sentenced to imprisonment with work for not more than three years or a fine of not more

than two million yen:

- (i) a person who has violated the order under Article 10, paragraph (1) or (2);
- (ii) a person who has violated the provisions of Article 11, paragraph (5); or
- (iii) a person who has violated an order pursuant to the provisions of Article 12, paragraph (1) or (2).

Article 23 In the case referred to in item (1) or (2) of the preceding Article, the catch, their products, ships, fishing gear, and any other objects used for gathering or catching the living marine resources that are owned by or in the possession of an offender may be confiscated; provided, however, that if objects owned by the offender cannot be confiscated in whole or in part, their equivalent value may be collected.

Article 24 A person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

- (i) a person who has not made a report pursuant to the provisions of Article 17, paragraphs (1) through (4) or who has made a false report; or
- (ii) a person who has not made a report pursuant to the provisions of Article 18, paragraph (1) or who has made a false report, or a person who has refused, disturbed, or evaded an inspection pursuant to the provisions of the same paragraph.

Article 25 When a representative of a corporation or an agent, employee, or other worker of a corporation or of an individual has performed an act violating Article 22 or the preceding Article in relation to the business of the corporation or individual, the violator is punished, and the corporation or the individual is also be punished by the fine prescribed in the corresponding Article.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect as of the day when United Nations Convention on the Law of the Sea comes into effect in Japan.

(Clarification of the Subject Water Area)

Article 1-2 With regard to application of the provisions of Article 2, paragraph (1), until otherwise provided for by law, the term "the exclusive economic zone of Japan" in that paragraph is deemed to be replaced with "the exclusive economic zone of Japan (when an adjustment of the scope of water area in which Japan may exercise its sovereign right to catch living marine resources pursuant to the treaty under Article 4 of the Act on The Exclusive Economic

Zone and the Continental Shelf (Act No. 74 of 1996) takes place, the water area after the adjustment is made)," and term "the Act on the Exclusive Economic Zone and the Continental Shelf (Act No. 74 of 1996)" in the same paragraph is deemed to be replaced with "the same Act."

Article 1-3 With regard to the application of the provisions of Article 3 of the Act on the Exclusive Economic Zone and the Continental Shelf concerning the sovereign right as provided in paragraph (1) of Article 2 as applied pursuant to the provisions of the preceding Article following the deemed replacement of terms, when the adjustment provided in the same paragraph has taken place, the term "the exclusive economic zone" in paragraph (1), item (i) of the same Article is deemed to be replaced with "the exclusive economic zone (the exclusive economic zone under Article 2, paragraph (1) of the Act on Conservation and Management of Living Marine Resources (Act No. 77 of 1996) as applied pursuant to the provisions of Article 1-2 of the Supplementary Provisions of the same Act; hereinafter the same applies in this Article)."

(Exceptions on Application)

Article 2 The provisions of Articles 7 through 25 may be exempted from application to Class I specified living marine resources by Cabinet Order; provided that if a period is specified by Cabinet Order, the exemption is limited to that period.

(Transitional Measures Pertaining to the Basic Plan and Prefectural Plans)

Article 3 The basic plan and prefectural plans are to specify the total allowable catch for 1997 and thereafter.

**Supplementary Provisions [Excerpt Act No. 149 of December 18, 1998]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day when the Japan-Korea Fishery Agreement comes into effect.

(Transitional Measures Concerning Application of Penal Provisions)

Article 3 With regard to application of penal provisions to acts performed prior to the implementation of this Act, the provisions then in force remain applicable.

Supplementary Provisions [Excerpt Act No. 87 of July 16, 1999] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that the provisions listed in the following items come into effect on the day prescribed in each item.

(i) The amended provisions of Article 1 of the Local Autonomy Act whereby five Articles, a section title, and two subsections and subsection titles are added after Article 250 of the same Act (limited to the parts pertaining to Article 250-9, paragraph (1) of the same Act (limited to the part pertaining to obtaining consent from both the Lower and Upper Houses)), the amended provisions of Article 40, paragraphs (9) and (10) of the Supplementary Provisions of the Natural Parks Act (limited to the parts pertaining to paragraph (10) of the Supplementary Provisions of the same Act), the provisions of Article 244 (excluding the parts pertaining to the amended provisions of Article 14-3 of the Agricultural Extension Promotion Act), and the provisions of Article 472 (excluding the parts pertaining the amended provisions of Article 6, Article 8, and Article 17 of the Act on Special Measures for the Mergers of Municipalities), and the provisions of Article 7, Article 10, and Article 12, the proviso to Article 59, Article 60, paragraphs (4) and (5), Article 73, Article 77, Article 157, paragraphs (4) through (6), Article 160, Article 163, Article 164, and Article 202 of the Supplementary Provisions: the date of promulgation

(Affairs of the National Government)

Article 159 In addition to the affairs provided for in each law prior to amendment by this Act, the affairs of the national government, local governments other than the relevant local government, and other public organizations which are administered or performed by local government agencies in conformity with laws or Cabinet Orders based on those laws prior to the implementation of this Act (referred to as "the affairs of the national government, etc." in Article 161 of the Supplementary Provisions), are to be dealt with by the local governments as the affairs of the local government in conformity with the laws or with Cabinet Orders based on those laws after the implementation of this Act.

(Transitional Measures Concerning Dispositions and Applications)

Article 160 (1) With regard to the dispositions such as permission and other acts (hereinafter referred to as "acts such as disposition") taken pursuant to the provisions of respective laws prior to amendment before implementation of this Act (for provisions under the items of Article 1 of the Supplementary Provisions; hereinafter the same applies in this Article and Article 163 of the Supplementary Provisions) or application for permission granted pursuant the

provisions of respective laws prior to amendment at the time of implementation of this Act and other acts (hereinafter referred to as "acts such as application") for which the persons that should perform the administrative affairs pertaining to these acts on the day of implementation of this Act are different, except for the acts provided in the provisions of Article 2 through the preceding Article of the Supplemental Provisions and in the provisions concerning the transitional measures for those respective laws after the amendment (including the orders based on those laws), with regard to the application of the respective laws after the amendment on or after the date of implementation of this Act, the acts are deemed to be acts such as disposition or acts such as application taken pursuant to the corresponding provisions of the respective laws after the amendment.

- (2) If, prior to the implementation of this Act, a matter that requires reporting, notification, submission, or any other procedure to be carried out with the national government or local government agencies pursuant to the provisions of laws not yet amended by this Act is not yet accomplished before the date on which this Act comes into effect, and other than the matters that are otherwise prescribed by this Act or Cabinet Orders based on this Act, the provisions of each law amended by this Act apply to the matter that still requires reporting, notification, submission, or any other procedure to be carried out at the national government or corresponding local government agency pursuant to the corresponding provisions of the laws amended by this Act by deeming that the matter has not been accomplished.

(Transitional Measures Concerning Appeals)

Article 161 (1) When a disposition was taken before the date of implementation of this Act pertaining to an affair of the national government, etc., and there was a higher administrative authority (hereinafter referred to as the "higher authority") prescribed in the Administrative Complaint Review Act for the administrative authority that has taken the disposition (hereinafter referred to as "administrative agency reaching the disposition" in this Article) before the date of implementation, for an appeal that was filed pursuant to the provisions of the same Act, it is deemed that the administrative agency reaching the disposition continues to have a higher authority and the provisions of the Administrative Complaint Review Act apply even after the date of implementation of this Act. In this case, the administrative authority deemed to be the higher authority of the administrative authority is the administrative authority that was the higher authority of that administrative agency before the date of implementation.

- (2) In a case referred to in the preceding paragraph, if the administrative authority deemed to be the higher authority is a local government agency, the

affairs to be handled by the agency pursuant to the provisions of the Administrative Complaint Review Act are to be Type 1 statutory entrusted functions provided in Article 2, paragraph (9), item (i) of the New Local Autonomy Act.

(Transitional Measure Concerning Fees)

Article 162 With regard to fees that should be paid pursuant to the provisions of the respective laws prior to amendment by this Act before the date of implementation (including orders based on those laws), the provisions then in force remain applicable, unless otherwise provided in this Act or by Cabinet Order based on this Act.

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to acts performed prior to the implementation of this Act, the provisions then in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) In addition to those provided in these Supplementary Provisions, the transitional measures necessary for the implementation of this Act (including transitional measures concerning the penal provisions) are specified by Cabinet Order.

(2) The matters necessary for applying the provisions of Article 18, Article 51, and Article 184 of the Supplementary Provisions are specified by Cabinet Order.

(Review)

Article 250 With regard to Type 1 statutory entrusted functions provided in Article 2, paragraph (9), item (i) of the New Local Autonomy Act, establishment of new functions is to be avoided as much as possible, and the functions listed in Appended Table 1 of the New Local Autonomy Act and functions provided by Cabinet Order based on the New Local Autonomy Act are to be reviewed from the viewpoint of promoting decentralization, and periodically reviewed as appropriate.

Article 251 The government is to review the methods for enriching and assuring financial resources for local taxes in accordance with the work-sharing between the national and local governments, taking into account the changes in economic conditions, so that local governments may voluntarily and independently perform their affairs and operations, and take necessary measures based on the results of the review.

Article 252 Along with the reform of medical insurance system, the pension system, and other systems, the government is to review the system for processing administrative affairs of social insurance, the desirable working situation of officials engaged in those affairs, and other matters from the viewpoint of ensuring convenience for insured persons and increasing the efficiency of processing administrative affairs, take necessary measures based on the result of the review when the government finds it necessary.

**Supplementary Provisions [Excerpt Act No. 160 of December 22, 1999]
[Extract]**

(Effective Date)

Article 1 This Act (excluding Article 2 and Article 3) comes into effect as from January 6, 2001.

Supplementary Provisions [Excerpt Act No. 89 of June 29, 2001] [Extract]

(Effective Date)

Article 1 This Act comes into effect as from the date of promulgation.

Supplementary Provisions [Excerpt Act No. 91 of June 29, 2001] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however, that the provisions of the following Article come into effect as from the date of promulgation.

(Transitional Measures)

Article 2 When planning to establish Cabinet Order under Article 2, paragraph (6) or (7) of the Act on Conservation and Management of Living Marine Resources after the amendment by this Act prior to the implementation of this Act, the provisions of Article 2, paragraph (4) of the Act on Conservation and Management of Living Marine Resources prior to amendment by this Act are applicable.

(Entrustment to Cabinet Order)

Article 3 Beyond what is set forth in the preceding Article, transitional measures necessary for the implementation of this Act are specified by Cabinet Order.

Supplementary Provisions [Excerpt Act No. 77 of June 6, 1997] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.