

Act on the Regulation of Fishing Operations by Foreign Nationals

(Act No. 60 of July 14, 1967)

(Outline)

Article 1 This Act aims to provide necessary measures for regulating the use of Japanese waters by foreign nationals for fishing operations, in response to situations in which increased fishing activities by foreign nationals using Japanese ports and other waters may cause hindrance to maintaining the normal order of the Japanese fishing operations.

(Definitions)

- Article 2 (1) The term "Japan" as used in this Act means Honshu, Hokkaido, Shikoku, Kyushu, and annexed islands specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) The term "fishing operations" as used in this Act means the business of gathering or catching aquatic animals or plants or their aquaculture (including acts incidental to fishing operations).
- (3) The term "acts incidental to fishing operations" as used in this Act means acts such as searching for or gathering fish, preserving or processing catches, transporting catches or their products, and supplying to vessels, which are used in gathering or catching or aquatic animals or plants or their aquaculture; or any other equivalent acts as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (4) The term "preparatory actions for gathering or catching" as used in this Act means the acts of preparing fishing gear, without stowing it, thus being able to immediately gather or catch aquatic animals or plants.
- (5) In this Act, the term "search" means investigating the state of habitat of aquatic animals or plants that contributes to, but does not involve gathering or catching of aquatic animals or plants, and the term "survey" means a search that does not fall under acts incidental to fishing operations .
- (6) The term "catches" as used in this Act means catches and products made from them.
- (7) The term "foreign fishing vessel" as used in this Act means vessels other than Japanese vessels (excluding those designated by the Minister of Agriculture, Forestry and Fisheries) that fall under either of the following items:
- (i) vessels with fishing equipment;
 - (ii) beyond the vessels set forth in the preceding item, those used for fishing operations or transporting catches from fishing grounds.

(8) The term "Japanese port" as used in this Act means ports and harbors for which public notice on port area has been given regarding the area of those ports and harbors pursuant to the provisions of Article 9, paragraph (1) of Ports and Harbors Act (Act No. 218 of 1950) (including as applied mutatis mutandis under of Article 33, paragraph (2), of that Act), and fishing ports prescribed by Article 2 of the Act on Development of Fishing Ports and Grounds (Act No. 137 of 1950).

(Prohibition of Fishing Operations)

Article 3 The following persons must not engage in fishing operations, gathering or catching aquatic animals or plants (gathering and catching includes acts incidental to fishing operations but excludes those that fall under fishing operations; the same applies hereinafter), preparatory actions for gathering or catching, or surveys in the waters of Japan; provided, however, that this does not apply if the gathering or catching aquatic animals or plants is on a minor scale prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries:

- (i) persons who do not have Japanese nationality except for those who stay in Japan lawfully and are designated by the Minister of Agriculture, Forestry and Fisheries;
- (ii) foreign states, public organizations, or their equivalents; or corporations or other organizations established on the basis of foreign laws.

(Permission to Call at Ports)

Article 4 (1) If the captain of a foreign fishing vessel (including a person who performs duties on behalf of the captain; the same applies hereinafter) intends to have that foreign fishing vessel call at Japanese ports, the captain must obtain permission from the Minister of Agriculture, Forestry and Fisheries, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, except for the cases in which they intend to call at the ports solely for the purpose of performing any of the following acts:

- (i) acts necessary for avoiding marine accidents, ensuring safe navigation, or protecting human life;
 - (ii) unloading catches shipped from foreign states (limited to those accompanied by documents specified by Cabinet Order; hereinafter referred to as "catches loaded abroad") at Japanese ports, or transshipping those catches to other vessels;
 - (iii) unloading catches other than those loaded abroad at Japanese ports, that is specified by Cabinet Order as not causing hindrance to maintaining normal order of Japanese fishing operations.
- (2) If an application for the permission referred to in the preceding paragraph

has been filed, the Minister of Agriculture, Forestry and Fisheries must grant the that permission referred to in that paragraph, except for the case in which the relevant call at port is considered to be likely to promote fishing activities by foreign fishing vessels, thereby causing hindrance to maintaining the normal order of the Japanese fishing operations.

Article 4-2 Notwithstanding the provisions of the preceding Article, the captain of a foreign fishing vessel must not have the relevant vessel call at Japanese ports for the purpose of unloading specified catches (meaning catches specified by Cabinet Order which are considered to causes or be likely to cause hindrance to maintaining normal order of the Japanese fishing operations if unloaded in Japan; the same applies to Article 6, paragraph (5)) in Japan or transshipping them to other vessels.

(Orders to Leave Ports)

Article 5 If the Minister of Agriculture, Forestry and Fisheries finds that the captain of a foreign fishing vessel has that vessel call at a Japanese port in violation of Article 4, paragraph (1) or the preceding Article, the Minister may order that captain to have that vessel leave the relevant Japanese port.

(Prohibition of Transshipping Catches)

Article 6 (1) Captains of foreign fishing vessels must not transship catches (excluding catches loaded abroad; the same applies to the following paragraph and paragraph (3)) to other vessels, or load them from other foreign fishing vessels in the waters of Japan (excluding waters of Japanese ports; the same applies to the following paragraph).

(2) Captains of vessels other than foreign fishing vessels must not load catches from foreign fishing vessels onto their own vessels in Japanese waters.

(3) Captains of vessels other than foreign fishing vessels must not unload or transship catches in Japanese ports that are loaded outside the waters of Japan from foreign fishing vessels onto those vessels.

(4) The provisions of the preceding three paragraphs do not apply to the cases specified by Cabinet Order as those which do not cause hindrance to maintaining the normal order of the Japanese fishing operations.

(5) Captains of vessels other than a foreign fishing vessel (excluding those provided for in Article 2, paragraph (1) of the Fishing Boat Act (Act No.178 of 1950)), must not unload specified catches at a fishing port (meaning a fishing port prescribed in Article 2 of the Act on Development of Fishing Ports and Grounds), or at a fishing port area (meaning a fishing port area designated pursuant to the provisions of Article 39, paragraph (1) of the Port and Harbor Act), even if this does not fall under the case in which unloading is prohibited

pursuant to the provisions of the preceding two paragraphs.

(Inspections)

Article 6-2 (1) If authorized fishery supervisors or authorized fishery supervising officers find it necessary to enforce this Act, they may enter fishing grounds, vessels, place of business, offices, or warehouses; and may inspect the conditions, books and documents, or other articles, or question the relevant persons.

(2) In the case of the preceding paragraphs, the provisions of Article 128, paragraph (3) of the Fishery Act (Act No. 267 of 1949) do not apply.

(3) The authority under paragraph (1) must not be construed as being granted for criminal investigation.

(Exclusion from Application of the Administrative Procedure Act)

Article 6-3 The provisions of Chapters II and III of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to the disposition under this Act.

(Transitional Measures)

Article 6-4 If a Cabinet Order or Order of the Ministry of Agriculture, Forestry and Fisheries is established, amended, or repealed pursuant to the provisions of this Act, necessary transitional measures (including those concerning penal provisions) may be prescribed by the relevant Cabinet Order or Order of the Ministry of Agriculture, Forestry and Fisheries to the extent that is considered to be reasonably necessary for the relevant establishment, amendment or repeal.

(Affairs Administered by Prefectures)

Article 7 Part of the affairs under the authority of the Minister of Agriculture, Forestry and Fisheries prescribed in Article 4, paragraph (1) and Article 5 may be administered by prefectural governors pursuant to the provisions of Cabinet Order.

(Effect of Conventions)

Article 8 If otherwise provided for in a convention with respect to the matters prescribed in this Act, the provisions of the conventions prevail over this Act.

(Penal Provisions)

Article 8-2 Any person who violates the provisions of Article 3 is subject to imprisonment for not more than three years or a fine not exceeding thirty million yen, or both.

Article 9 Any person who falls under any of the following items is subject to imprisonment for not more than three years or a fine not exceeding four million yen, or both:

- (i) a captain who has a foreign fishing vessel call at a port without permission referred to in Article 4, paragraph (1), in violation of the provisions of that paragraph;
- (ii) a captain who violates the provisions of Article 4-2;
- (iii) a captain who violates the order under Article 5;
- (iv) a captain who violates the provisions of Article 6 paragraphs (1) through (3) or paragraph (5).

Article 9-2 In the case of the preceding two paragraphs, catches, vessels, fishing gear, and other gear used for fishing operations, gathering or catching aquatic animals or plants, preparatory actions for gathering or catching, or surveys that a criminal owns or possesses may be confiscated; provided, however, that if all or part of those objects that a criminal owns cannot be confiscated, the equivalent value may be collected.

Article 9-3 A person who refuses, precludes, or evades inspection of an authorized fishery supervisor or authorized fishery supervising officer under Article 6-2, paragraph (1), or who fails to answer their questions, or makes a false statement, is subject to imprisonment for not more than six months or a fine not exceeding three million yen.

Article 10 If a representative of a corporation, or an agent, employee, or other worker of a corporation or individual commits an act in violation of Article 8-2, Article 9 or the preceding Article with regard to the business or property of that corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the relevant Article.

Supplementary Provisions

This Act comes into effect as of the day on which ninety days have elapsed from the date of promulgation.

Supplementary Provisions [Act No. 50 of July 1, 1975]

This Act comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 31 of May 2, 1977 Extract] [Extract]

(Effective Date)

(1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two months from the date of promulgation.

Supplementary Provisions [Act No. 87 of July 5, 1978 Extract] [Extract]

(Effective Date)

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

Supplementary Provisions [Act No. 55 of May 20, 1986]

This Act comes into effect as of the day on which twenty days have elapsed from the date of promulgation.

**Supplementary Provisions [Act No. 89 of November 12, 1993 Extract]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Administrative Procedure Act (Act No. 88 of 1993) comes into effect.

(Transitional Measures Concerning Adverse Dispositions Following Consultation)

Article 2 Notwithstanding the provisions of related laws amended by this Act, if consultations or other requests have been made to a council or other council system pursuant to laws and regulations prior to the enforcement of this Act, to carry out procedures equivalent to a hearing or granting an opportunity for explanation provided for in Article 13 of the Administrative Procedure Act and other procedures to make a statement of opinion, prior laws continue to govern the procedures of the adverse disposition concerning the relevant consultation or requests.

(Transitional Measures Concerning Penal Provisions)

Article 13 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

(Transitional Measures for Streamlining Provisions Concerning Hearings)

Article 14 Hearings held pursuant to the provisions of law prior to the enforcement of this Act (excluding those concerning adverse dispositions), or procedures for them, are deemed to have been held pursuant to the

corresponding provisions of the related laws amended by this Act.

(Delegation to Cabinet Orders)

Article 15 Beyond what is prescribed in Articles 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 76 of June 14, 1996 Extract] [Extract]

(Effective Date)

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

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

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that the provisions set forth in the following items come into effect as of the day prescribed in the relevant items:

- (i) amending provisions to add five Articles, a Section title, and two Subsections and their titles following Article 250 of the Local Autonomy Act in Article 1 (limited to the part concerning Article 250-9, paragraph (1) of the Act (limited to the part concerning obtaining the consent of both Houses of the Diet)), provisions amending paragraphs (9) and (10) of the Supplementary Provisions of the Natural Parks Act in Article 40 (limited to the part concerning paragraph (10) of those Supplementary Provisions), the provisions of Article 244 (excluding the part concerning the provisions amending Article 14-3 of the Agricultural Improvement Promotion Act), and the provisions of Article 472 (excluding the part concerning the provisions amending Article 6, Article 8, and Article 17 of the Act on Special Measures of Merger of Municipalities) and the provisions of Article 7, Article 10, Article 12, the proviso of 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.

(Governmental and Other Public Entity Affairs)

Article 159 Beyond what is prescribed in each Act prior to amendment by this Act, the national government's, local governments', and other public entities' administrative affairs that local government organs manage or execute in accordance with laws or Cabinet Order under them prior to the enforcement of

this Act (referred to as "governmental and other public entity affairs" in Article 161 of the Supplementary Provisions) are to be processed by the local governments after the enforcement of this Act, as the affairs of the relevant local governments in accordance with laws or Cabinet Order under them.

(Transitional Measures Concerning Dispositions and Applications)

Article 160 (1) If administrative dispositions such as permission and other actions have been performed before the enforcement of this Act (or before the enforcement of the provisions set forth in each item of Article 1 of the Supplementary Provisions; hereinafter the same applies in this Article and Article 163 of the Supplementary Provisions) pursuant to the provisions of laws prior to amendment (hereinafter referred to as "administrative dispositions in this Article), or application for permission, etc. or other equivalent actions have been made at the time of the enforcement pursuant to the provisions of laws prior to amendment (hereinafter referred to as "application or other equivalent actions"); and administrative affairs related to these actions come under the jurisdiction of different persons on the date of enforcement of this Act, these actions are deemed to be administrative dispositions, application or other equivalent actions made pursuant to the corresponding provisions of the relevant amended laws when those amended laws apply on and after the date of enforcement of this Act, except as prescribed by Article 2 through the preceding Article of the Supplementary Provisions or by the provisions of those amended laws (including orders under them) concerning transitional measures.

(2) Beyond what is otherwise provided for in this Act or Cabinet Order under it, if reports, notifications, submissions or other procedures must be made or taken to the relevant organs of the national or local governments regarding specific matters before the enforcement of this Act pursuant to the provisions of laws prior to amendment, but those procedures have not yet been carried out by the date of enforcement of this Act, the provisions are deemed not to have been carried out regarding the matters for which the corresponding provisions of amended laws provide reports, notifications, submissions or other procedures are made or taken to the corresponding organs of the national or local governments, and the provisions of laws amended by this Act apply.

(Transitional Measures Concerning Appeals)

Article 161 (1) With respect to appeals under the Administrative Complaint Review Act in cases in which, before the date of enforcement, administrative dispositions were issued on the governmental and other public entity affairs, and a higher administrative authority set forth in the Administrative Complaint Review Act (hereinafter referred to as "higher administrative

authority") existed over the administrative agency that issued those administrative dispositions (hereinafter referred to as "administrative agency issuing disposition"), the administrative agency issuing the disposition is deemed to have the higher administrative authority after the date of enforcement, and the Administrative Complaint Review Act applies. In this case, an administrative agency deemed as the higher administrative authority of the relevant disposing agency is the administrative agency that was the higher administrative agency of that disposing agency before the date of enforcement.

(2) In the case referred to in the preceding paragraph, if the administrative authority deemed as the higher administrative authority is an organ of a local government, administrative affairs that are to be administered by that local government pursuant to the provisions of the Administrative Complaint Review Act are item (i) statutory entrusted functions set forth in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures Concerning Penal Provisions)

Article 163 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 Beyond what is provided for in this supplementary provision, necessary transitional measures (including transitional measures concerning penal provisions) associated with the enforcement of this Act are specified by Cabinet Order.

(Reviews)

Article 250 No new item (i) statutory entrusted functions set forth in Article 2, paragraph (9), item (i) of the new Local Autonomy Act are to be created to the extent as far as is possible, and the functions set forth in Appended Table 1 of the new Local Autonomy Act and those provided for in Cabinet Order under the new Local Autonomy Act are to be reviewed from the viewpoint of promoting decentralization and revised as appropriate.

Article 251 In order to enable local governments to execute their affairs and services voluntarily and independently, the national government is to review how to secure adequate sources of local tax revenues according to the sharing of roles between the state and local governments, taking the economic trends, etc. into account, and is to take the necessary measures based on the results of the review.

Supplementary Provisions [Act No. 92 of June 29, 2001 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2002.

Supplementary Provisions [Act No. 119 of November 27, 2014]

(Effective Date)

(1) This Act comes into effect as of the day on which ten days have elapsed from the date of promulgation.

(Transitional Measure)

(2) Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

**Supplementary Provisions [Act No.95 of December 14, 2018 Extract]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding 2 years from the date of promulgation.