

# Regulations for Enforcement of the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants

(Order of the Ministry of Agriculture, Forestry and Fisheries No. 39 of April 26, 2022)

Pursuant to the provisions of the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (Act No. 79 of 2020) and the Cabinet Order on Duties to be Undertaken by Prefectures Pursuant to the Provisions of the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (Cabinet Order No. 18 of 2022), and in order to implement the Act, the Regulation for Enforcement of the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants is established as follows.

(Class I Specified Aquatic Animals and Plants)

Article 1 Aquatic animals and plants specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to Article 2, paragraph (1) of the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (hereinafter referred to as the "Act") are as follows:

- (i) eel fry (meaning eels of 13 centimeters or less in total length);
- (ii) abalone; and
- (iii) sea cucumber.

(Processed Products Specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 2, paragraph (2) of the Act)

Article 2 Processed products specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 2, paragraph (2) of the Act are to be those which are made of or from aquatic animals and plants specified in each item of the preceding Article as main raw materials and which are separately specified and publicly notified by the Minister of Agriculture, Forestry and Fisheries.

(Class II Specified Aquatic Animals and Plants)

Article 3 Aquatic animals and plants specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 2, paragraph (4) of the Act are as follows:

- (i) mackerel;

- (ii) Pacific saury;
- (iii) sardine; and
- (iv) squid and cuttlefish.

(Processed Products Specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 2, paragraph (5) of the Act)

Article 4 Processed products specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 2, paragraph (5) of the Act are those which are manufactured or processed from aquatic animals and plants specified in each item of the preceding Article as main raw materials and which are to be separately specified and publicly notified by the Minister of Agriculture, Forestry and Fisheries.

(Notification by Persons, Entities, or Organizations Engaged in the Business of Catching or Gathering Class I Specified Aquatic Animals and Plants)

Article 5 (1) Notification under the provisions of Article 3, paragraph (1) of the Act is to be filed by submitting a written notification stating information specified in the following particulars:

- (i) the name and address of the business operator and, if a corporation, its representative's name;
  - (ii) the address of offices, factories, stores, places of business, and warehouses relating to the business of transferring the class I specified aquatic animals and plants, etc.;
  - (iii) the type of class I specified aquatic animals and plants subject to the business of catching or gathering;
  - (iv) the details of the authority to catch or gather class I specified aquatic animals and plants under the provisions of the Fishery Act (Act No. 267 of 1949) and other relevant laws and regulations;
  - (v) the type of class I specified aquatic animals and plants, etc., subject to the business of transferring; and
  - (vi) the date on which the business of transferring is to be started.
- (2) The following documents must be attached to the written notification set forth in the preceding paragraph; provided, however, that if the Minister of Agriculture, Forestry and Fisheries or the prefectural governor (hereinafter referred to as the "Minister of Agriculture, Forestry and Fisheries or the prefectural governor") finds that it will not affect to confirm facts which are to be verified by the documents, they may have the documents omitted:
- (i) the following documents certifying the contents of the authority set forth in item (iv) of the preceding paragraph:
    - (a) when the fishery is permitted under Article 36, paragraph (1), Article 57, paragraph (1), Article 88, paragraph (1) (including the cases where it is

applied mutatis mutandis pursuant to paragraph (5) of the same Article) or Article 119, paragraph (1) of the Fishery Act, a copy of the permit relating to the permission;

- (b) when a license under Article 69, paragraph (1) of the Fishery Act has been obtained, documents certifying that the license has been obtained;
  - (c) when the partner has the right to exercise the partner rights as provided for in Article 105 of the Fishery Act, documents certifying the right; or
  - (d) when class I specified aquatic animals and plants are caught or gathered based on the authority under the provisions of laws and regulations other than the provisions of the Fishery Act provided for in (a) through (c), documents certifying the facts;
- (ii) when the notifier is an organization provided for in Article 3, paragraph (1) of the Act, a written document certifying that the organization engages in the business of transferring class I specified aquatic animals and plants, etc. on behalf of a person that engages in the business of catching or gathering class I specified aquatic animals and plants; or
  - (iii) when the notification is filed by an agent, a written document certifying the agent's authority.

(Notice of the Number Associated with the Notification)

Article 6 A notice under the provisions of Article 3, paragraph (2) of the Act is to be given without delay in writing or by a method of using an electronic data processing system.

(Notification of Changes)

Article 7 (1) Notification of changes under the provisions of Article 3, paragraph (3) of the Act is to be filed by submitting a written notification stating information specified in the following particulars. In this case, if the notification relates to a change in the information about the particulars specified in Article 5, paragraph (1), item (iv), documents certifying the fact of the change in the particulars must be attached; provided, however, that if the Minister of Agriculture, Forestry and Fisheries or the prefectural governor finds that it will not affect to confirm facts which are to be verified by the documents, they may have the documents omitted:

- (i) the name and address of the business operator and, if a corporation, its representative's name;
- (ii) the date and destination of notification under the provisions of Article 3, paragraph (1) of the Act;
- (iii) the number associated with the notification and given by the notice pursuant to the provisions of Article 3, paragraph (2) of the Act;
- (iv) the information that has been changed;

- (v) the date of change; and
  - (vi) the reason for change.
- (2) Notification of discontinuation under the provisions of Article 3, paragraph (3) of the Act is to be filed by submitting a written notification stating information specified in the following particulars:
- (i) the name and address of the business operator and, if a corporation, its representative's name;
  - (ii) the date and destination of notification under the provisions of Article 3, paragraph (1) of the Act;
  - (iii) the number associated with the notification and given by the notice pursuant to the provisions of Article 3, paragraph (2) of the Act; and
  - (iv) date of discontinuation.

(Reporting to the Minister of Agriculture, Forestry and Fisheries or the Prefectural Governor)

Article 8 Report under the provisions of paragraph (3) of the Cabinet Order on the Duties to be Undertaken by Prefectures Pursuant to the provisions of Article 13, paragraph (2) of the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (hereinafter referred to as the "Order") is to be filed without delay by submitting written documents stating the information about the particulars specified in each item of Article 5, paragraph (1) and the number associated with the notification and given by the notice when the duties specified in paragraph (1), item (i) of the Order are undertaken, or the particulars specified in each item of paragraph (1) or (2) of the preceding Article when the duties specified in paragraph (1), item (ii) of the Order are undertaken.

(Notification to the Prefectural Governor)

Article 9 Notification under the provisions of paragraph (4) of the Order is to be filed without delay by submitting written documents stating information about the particulars specified in each item of Article 5, paragraph (1) and the number associated with the notification and given by the notice when the notification under the provisions of Article 3, paragraph (1) of the Act is accepted and then the notice given and associated with that notification under the provisions of paragraph (2) of the same Article, or the particulars specified in each item of paragraph (1) or each item of Article 7, paragraph (2) when the notification under the provisions of Article 3, paragraph (3) of the Act is accepted.

(Catch Number)

Article 10 The catch number provided for in Article 4 of the Act is a sixteen-digit

number determined by combining the following numbers in that order:

- (i) a seven-digit number associated with the notification and given by the notice pursuant to the provisions of Article 3, paragraph (2) of the Act;
- (ii) a six-digit number consisting of last two figures of the Western calendar year and a four-digit number indicating the month and date, in the order of the year, month, and date of the date on which the transfer of the class I specified aquatic animals and plants, etc. is made; and
- (iii) a three-digit number indicating to distinguish the lot of the class I specified aquatic animals and plants, etc. which is to be transferred.

(Means or Method of Communication of Information by Notifying Catcher or Gatherer)

Article 11 (1) The communication under the provisions of Article 4 of the Act is to be made by any of the following means or methods:

- (i) method of using an electronic data processing system as set forth in the following (a) or (b);
    - (a) a method of transmitting information about particulars to be communicated through an electronic telecommunication line connecting computers used by the notifying catcher or gatherer and the other party of the transfer of the class I specified aquatic animals and plants, etc. (hereinafter referred to as "the other party" in this Article) and then of recording the information to a file on the computer used by the other party; or
    - (b) a method of making information about the particulars, which are recorded into a file on the computer used by the notifying catcher or gatherer and to be communicated, available to the other party through an electronic telecommunication line, and then of recording the information to a file on the computer used by the other party.
  - (ii) means of delivering a file prepared by a magnetic disk, CD-ROM, or any other equivalent means that can reliably record certain particulars, in which the particulars to be communicated are recorded: or
  - (iii) means of indicating the particulars to be communicated on packages or containers of class I specified aquatic animals and plants, etc. or on invoices, delivery slips, specifications, or other similar documents.
- (2) The means and methods specified in items (i) and (ii) of the preceding paragraph must be such that the other party can produce a written document by outputting the record in a file.
- (3) Notwithstanding the provisions of the preceding two paragraphs, when the notifying catcher or gatherer and the other party agree in advance pursuant to the provisions of the following paragraph, the catch number may be informed by any of the means or methods specified in each item of the paragraph (1) to

communicate the numbers specified in items (ii) and (iii) of the preceding Article in the event of the transfer of class I specified aquatic animals and plants, etc.

- (4) The agreement set forth in the preceding paragraph is to be concluded by making explicit the content of the agreement in writing or in the form of an electronic or magnetic record (meaning the records made by an electronic form, a magnetic form, or any other form not recognizable to human perception, which is used for information processing by computers, and limited to the case where that electronic or magnetic record can be immediately displayed using a computer or other equipment when necessary; the same applies in Article 18), which states information specified in the following particulars, and the contents are to be clear:
- (i) the name of the notifying catcher or gatherer and the other party that made the agreement; or
  - (ii) the number specified in item (i) of the preceding Article relating to the notifying catcher or gatherer.
- (5) The communication of the name of class I specified aquatic animals and plants, etc. as provided for in Article 4 of the Act is to be made by informing the name normally used in transactions.
- (6) The communication of information about weight or quantity of class I specified aquatic animals and plants, etc. as provided for in item (ii) of the following Article is to be made in the unit normally used in transactions.

(Information to be Communicated by Notifying Catchers or Gatherers)

Article 12 Information about particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 4 of the Act are as follows:

- (i) the name of the notifying catcher or gatherer;
- (ii) the weight or quantity of the class I specified aquatic animals and plants, etc.; and
- (iii) the date of transfer.

(Means or Method of Communication of Information Between Business Operators Handling Class I Specified Aquatic Animals and Plants)

Article 13 (1) The communication under the provisions of Article 5, paragraph (1) of the Act is to be made by any of the following means or methods:

- (i) method of using an electronic data processing system as set forth in the following (a) or (b);
  - (a) a method of transmitting information about particulars to be communicated through an electronic telecommunication line connecting computers used by the business operator handling the class I specified

aquatic animals and plants, etc. and the other party of the transfer or delivery of the class I specified aquatic animals and plants, etc. (hereinafter referred to as "the other party" in this Article) and then of the recording of the information to a file on the computer used by the other party; or

- (b) a method of making information about particulars, which are recorded into a file on the computer used by the business operator handling the class I specified aquatic animals and plants, etc. to be communicated, available to the other party through an electronic telecommunication line, and the method of recording the information to a file on the computer used by the other party.
  - (ii) the means specified in Article 11, paragraph (1), item (ii); or
  - (iii) the means specified in Article 11, paragraph (1), item (iii).
- (2) The means and methods specified in items (i) and (ii) of the preceding paragraph must be such that the other party can produce a written document by outputting the record in a file.
- (3) The communication of information of the name of class I specified aquatic animals and plants, etc. as provided for in Article 5, paragraph (1) of the Act is to be made by informing the name normally used in transactions.
- (4) The communication of information about weight or quantity of class I specified aquatic animals and plants, etc. as provided for in item (ii) of the following Article is made in the unit normally used in transactions.

(Information to be Communicated Between Business Operators Handling Class I Specified Aquatic Animals and Plants)

Article 14 Information about particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 5, paragraph (1) of the Act is as follows:

- (i) the name of the business operator handling class I specified aquatic animals and plants, etc. that transferred or delivered;
- (ii) the weight or quantity of the class I specified aquatic animals and plants, etc.; and
- (iii) the date of transfer or delivery.

(Lot Number)

Article 15 The lot number provided for in Article 5, paragraph (2) of the Act is a sixteen-digit number determined by combining the following numbers in that order:

- (i) a seven-digit number given by the notice of the Minister of Agriculture, Forestry and Fisheries or the prefectural governor to a business operator handling the class I specified aquatic animals and plants, etc.;

- (ii) a six-digit number consisting of last two figures of the Western calendar year and a four-digit number indicating the month and date, in the order of the year, month, and date of the date on which the transfer or delivery of the class I specified aquatic animals and plants, etc. is made; and
- (iii) a three-digit number indicating to distinguish the lot of the class I specified aquatic animals and plants, etc. which is transferred or delivered.

(Communication of Information on the Lot Number by the Business Operators Handling the Class I Specified Aquatic Animals and Plants to Which the Delivery is Entrusted)

Article 16 (1) Communication under the provisions of Article 5, paragraph (3) of the Act is to be made by any of the following means or methods:

- (i) method of using an electronic data processing system as set forth in the following (a) or (b);
    - (a) a method of transmitting a lot number through an electronic telecommunication line connecting computers used by a business operator handling the class I specified aquatic animals and plants, etc. that is entrusted with delivery (hereinafter referred to as "the entrusted business operator" in this Article) and other computers used by a business operator handling the class I specified aquatic animals and plants, etc. that entrusts the delivery (hereinafter referred to as "the entrusting business operator" in this Article), and then of recording the lot number to a file on the computer used by the entrusting business operator; or
    - (b) a method of making the lot number, which are recorded into a file on the computer used by the entrusted business operator and to be communicated, available to the entrusting business operator through an electronic telecommunication line, and then of recording the lot number to a file on the computer used by the entrusting business operator.
  - (ii) means of delivering a file prepared with a magnetic disk, CD-ROM, or any other equivalent means that can reliably record certain particulars, in which the lot number is recorded; or
  - (iii) means of indicating the lot number on a written document by which the entrusted business operator informs the entrusting business operator that the entrusted business operator has delivered the class I specified aquatic animals or plants, etc., of which the delivery is entrusted, to the other party to be transferred, or on other similar documents.
- (2) The means and methods specified in items (i) and (ii) of the preceding paragraph must be such that the other party can produce a written document by outputting the record in a file.

(Person, Entity, or Organization Equivalent to Business Operators Handling



Class I Specified Aquatic Animals and Plants)

Article 17 The person, entity, or organization specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 6, paragraph (1) of the Act are as follows:

- (i) the warehouse operators of class I specified aquatic animals and plants, etc.;
- or
- (ii) the person, entity or organization that operates eel farming.

(Means or Method of Preparation of Transaction Records)

Article 18 (1) Records under the provisions of Article 6, paragraph (1) of the Act are to be prepared in accordance with the following items:

- (i) the records are prepared in writing or by an electronic or magnetic record;
  - (ii) the records are prepared for each office, factory, store, place of business, or warehouse (hereinafter referred to as "office, etc."); provided, however, that when the records are collectively kept at the principal offices or other offices, etc., as a result of making purchases in bulk at the relevant office, etc., or in other special circumstances, and if measures are taken so that the records at the office, etc., in which the transfer, etc. (meaning a transfer, acceptance thereof, a delivery and acceptance thereof, or disposal or loss; the same applies hereinafter) took place, can be promptly confirmed through making enquires at the office, etc. in which the records are kept, the records of the transfer, etc. at the office, etc. relating to the measures may be prepared in a lump sum;
  - (iii) the records are prepared to be classified or sorted according to the type of class I specified aquatic animals and plants, etc. by the period during which the transactions took place, and by other categories; and
  - (iv) when any of the particulars specified in each item of Article 6, paragraph (1) of the Act are changed due to a return or other reasons, the records are appropriately changed accordingly without delay.
- (2) Preparation of records of the name of class I specified aquatic animals and plants, etc. as provided for in Article 6, paragraph 1, item (i) of the Act are made by recording the name normally used in transactions.
- (3) Preparation of records of the weight or quantity of class I specified aquatic animals and plants, etc., provided for in Article 6, paragraph (1), item (ii) of the Act are to be made by recording in units normally used in transactions.
- (4) Notwithstanding the provisions of the paragraph (1), if the transfer is made by a notifying catcher or gatherer and the notifying catcher or gatherer has communicated the catch number pursuant to the provisions of Article 11, paragraph (3), the record of the catch number provided for in Article 6, paragraph (1), item (v) of the Act may be prepared by retaining the written document or the electronic or magnetic record set forth in paragraph (4) of the

same Article and by making a record of the numbers specified in items (ii) and (iii) of Article 10 in the manner specified in the paragraph (1).

(Period for Keeping of Records of Transactions)

Article 19 The period specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 6, paragraph (1) of the Act is three years.

(Cases Preparation and Keeping Records of Transactions Are Not Required)

Article 20 The cases specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in the proviso of paragraph (1) of Article 6 of the Act are the following cases:

- (i) when a notifying catcher or gatherer is an organization provided for in paragraph 1 of Article 3 of the Act and a person, entity, or organization belonging to the organization carries out transfers, etc. of the class I specified aquatic animals and plants etc. relating to the notification;
- (ii) when a small amount of class I specified aquatic animals and plants, etc. is disposed of or lost; or
- (iii) when remainder of class I specified aquatic animals and plants, etc. sold to general consumers or leftovers of class I specified aquatic animals and plants, etc. served to general consumers are disposed of.

(Information to be Recorded in Transactions)

Article 21 The information specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 6, paragraph (1), item (vi) of the Act is an old lot number (hereinafter referred to as "old lot number" in this Article) corresponding to a new lot number (hereinafter referred to as "new lot number" in this Article) if, the new lot number of the class I specified aquatic animals or plants, etc. is transmitted upon transfer or delivery, to which the old lot number from another business operator handling class I specified aquatic animals or plants, etc. was already informed upon acceptance of transfer or delivery of the class I specified aquatic animals and plants, etc.

(Notification by Business Operator Handling Class I Specified Aquatic Animals and Plants)

Article 22 (1) Notification under the provisions of paragraph (1) of Article 8 of the Act is to be filed by submitting a written notification stating information about the particulars specified in items (i) through (iv) of the same paragraph.  
(2) Particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 8, paragraph (1), item (iv) of the Act are the addresses of factories, stores, and warehouses relating to the business of sale, export, processing, manufacture, or provision of class I specified aquatic

animals and plants, etc.

(3) The following documents must be attached to the written notification set forth in the paragraph (1); provided, however, that if the Minister of Agriculture, Forestry and Fisheries or the prefectural governor finds that it will not affect to confirm facts which are to be verified by the documents, they may have the documents omitted:

(i) if an individual person, a copy of a resident record or a similar document certifying their name and address; or

(ii) if a corporation, the following documents:

(a) articles of incorporation; and

(b) certificate of registered matters.

(iii) when the notification is filed by an agent, a written document certifying the agent's authority

(4) The cases specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in the proviso of Article 8, paragraph (1) of the Act are the following cases:

(i) in the case that the notifying catcher or gatherer (if the notifying catcher or gatherer is the organization provided for in Article 3, paragraph (1), including the person, entity, or organization that belongs to the organization) is engaged in the business of selling, exporting, processing, manufacturing or providing the class I specified aquatic animal and plant, etc.;

(ii) in the case that the business operator handling class I specified aquatic animals and plants, etc. is exclusively engaged in the business of selling or providing the class I specified aquatic animals and plants, etc. to a person, entity or organization other than a business operator handling class I specified I aquatic animals and plants, etc.; or

(iii) in the case that the business operator handling class I specified aquatic animals and plants, etc. is the national government, a local government, or any other nonprofit corporation and is engaged exclusively in the business of selling or providing of seeds and seedlings of the class I specified aquatic animals and plants produced by itself.

(Notification of Changes)

Article 23 (1) Notification of changes under the provisions of Article 8, paragraph (2) of the Act is to be filed by submitting a written notification stating information specified in the following particulars:

(i) the name and address of the business operator and, if a corporation, its representative's name;

(ii) the date and destination of notification under the provisions of Article 8, paragraph (1) of the Act;

(iii) the number specified in Article 15, item (i);

- (iv) the information that has been changed;
  - (v) the date of change; and
  - (vi) the reason for the change.
- (2) Notification of discontinuation under the provisions of Article 8, paragraph (2) of the Act is to be filed by submitting a written notification stating information specified in the following particulars:
- (i) the name and address of the business operator and, if a corporation, its representative's name;
  - (ii) the date and destination of notification under the provisions of Article 8, paragraph (1) of the Act;
  - (iii) the number specified in Article 15, item (i); and
  - (iv) the date of discontinuation.

(Application for Issuance of Legal Harvest Certificate)

Article 24 (1) An application for issuance of a legal harvest certificate under the provisions of Article 10, paragraph 2 of the Act is to be filed by submitting a written application stating information specified in the following particulars:

- (i) the name and address of the business operator and, if a corporation, its representative's name;
  - (ii) the type of class I specified aquatic animals and plants, etc. and in the case of a processed product, its name;
  - (iii) the weight or quantity and number of containers or packages of the class I specified aquatic animals and plants, etc.;
  - (iv) the estimated time and the destination of export;
  - (v) the name and address of a person, entity or organization that intends to export, and, if a corporation, its representative's name;
  - (vi) the name and address of a person, entity or organization that intends to import, and, if a corporation, its representative's name;
  - (vii) in the case that a number for identification is attached to the purchase order relating to the export of the class I specified aquatic animals and plants, etc., the number; or
  - (viii) the place where the class I specified aquatic animals and plants, etc. are scheduled to be loaded and the name of the vessel or aircraft on which they are scheduled to be loaded.
- (2) The following documents must be attached to the written application set forth in the preceding paragraph:
- (i) a copy of all records (meaning the records provided for in Article 6, paragraph (1) of the Act) relating to the class I specified aquatic animals and plants, etc., or a written document in which the contents of the records are transcribed;
  - (ii) a copy of the purchase order, packing list, and bill of lading or air waybill

- relating to the export of the class I specified aquatic animals and plants, etc.;
- (3) The form of the legal harvest certificate set forth in Article 10, paragraph (3) of the Act is in accordance with the form attached hereto.
  - (4) An application for reissuance of a legal harvest certificate under the provisions of Article 10, paragraph (4) of the Act is to be filed by submitting a written application stating information specified in the following particulars:
    - (i) the name and address of the business operator and, if a corporation, its representative's name;
    - (ii) the certificate number of the legal harvest certificate; and
    - (iii) the circumstances and reasons under which a legal harvest certificate has been lost or destroyed.
  - (5) When a person, entity or organization to that a legal harvest certificate is issued (hereinafter referred to as the "certificate recipient" in the following paragraph) changes their name or address before the class I specified aquatic animals and plants etc. are exported, the certificate recipient must notify the Minister of Agriculture, Forestry and Fisheries thereof within two weeks.
  - (6) When the legal harvest certificate is lost by the certificate recipient, the certificate recipient must notify the Minister of Agriculture, Forestry and Fisheries thereof in writing without delay; provided, however, that this does not apply if the application under the paragraph (4) is filed.
  - (7) The legal harvest certificate must be returned within 30 days from the day when it comes under Article 10, paragraph (5), item (i) of the Act, or promptly returned when it comes under item (ii) of the same paragraph.

(Documents to be Attached Upon Importation of Class II Specified Aquatic Animals and Plants)

Article 25 (1) The documents specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 11 of the Act is to be the certificate issued by government agencies of a flag state (meaning a State having the right to fly its flag as provided for in Article 91, paragraph (2) of the United Nations Convention on the Law of the Sea; the same applies hereinafter in this Article) of a catching or gathering fishing vessel (hereinafter referred to as a "catching or gathering fishing vessel" in this Article), certifying that the vessel catching or gathering the class II specified aquatic animals and plants, etc. (or, in case of processed products, the class II specified aquatic animal and plant of or from which the class II specified aquatic animal and plant, etc. were made) is granted an effective permission, which is required when it is used for fishing operations, under the authority of the flag state of the catching or gathering fishing vessel; and that the class II specified aquatic animals and plants, etc. were not caught or gathered in violation of measures taken by the coastal state for the appropriate conservation and management of fishery

resources in the case where the specified class II aquatic animals and plants, etc. (or, in case of processed products, the class II specified aquatic animal and plant of or from which the class II specified aquatic animal and plant, etc. were made) were caught or gathered in waters under the sovereignty or jurisdiction of the coastal state; and that the class II specified aquatic animals and plants, etc. (or, in case of processed products, the class II specified aquatic animal and plant of or from which the class II specified aquatic animal and plant, etc. were made) were not caught or gathered in violation of measures in the case where class II specified aquatic animals and plants, etc. are subject to application of the measures, which were adopted by international frameworks for the appropriate conservation and management of fishery resources, under the international frameworks, and it is to state the following particulars:

- (i) information relating to the government agency that issued the certificate;
  - (ii) information relating to the catching or gathering fishing vessel;
  - (iii) information relating to the class II specified aquatic animals and plants, etc.;
  - (iv) information relating to measures for the appropriate conservation and management of fishery resources applicable to the class II specified aquatic animals and plants, etc. (or, in case of processed products, the class II specified aquatic animal and plant of or from which the processed products were made);
  - (v) information relating to exporters of the class II specified aquatic animals and plants, etc.;
  - (vi) information relating to transportation of the class II specified aquatic animals and plants, etc.;
  - (vii) information relating to importers of the class II specified aquatic animals and plants, etc.; and
  - (viii) other information that should be of reference.
- (2) Notwithstanding the provisions of the preceding paragraph, in the following cases, the particulars specified in each item of the same paragraph may be omitted if the Minister of Agriculture, Forestry and Fisheries finds it be appropriate:
- (i) when the catching or gathering fishing vessel meets any of the following criteria:
    - (a) the overall length is less than 12 meters and no towed gear is installed;
    - (b) the overall length is less than 8 meters;
    - (c) no upper-structure (meaning superstructure or other structure on the upper-deck) is installed; or
    - (d) the gross tonnage (meaning the international gross tonnage provided for in Article 4, paragraph (1) of the Act on Tonnage Measurement of Ships (Act No. 40 of 1980)) is less than 20 tons.

- (ii) if the Minister of Agriculture, Forestry and Fisheries finds that the flag state of the catching or gathering fishing vessel achieves a high-standard system for the appropriate conservation and management of fishery resources.
- (3) When the class II specified aquatic animals and plants, etc. are imported through a country other than the flag state of the catching or gathering fishing vessel (hereinafter referred to as "third country" in this paragraph), the documents specified in each of the following items must be attached to the certificate set forth in the paragraph (1), in accordance with the cases specified in the items:
- (i) when the class II specified aquatic animals or plants, etc. are imported after being processed in a third country: documents which are issued by governmental agencies of the third country or other equivalents endorsing that the class II specified aquatic animals or plants, etc. were processed in the third country, and the documents must state information specified in the following particulars:
    - (a) the weight of the class II specified aquatic animals and plants, etc. before and after processing, respectively; and
    - (b) the type of class II specified aquatic animals and plants of or from which the class II specified aquatic animal and plant, etc. were made, and the name of the class II specified aquatic animals and plants, etc.
  - (ii) when class II specified aquatic animals and plants, etc. are imported without being processed in a third country, any of the following documents that prove that no operations other than unloading, reloading, or storage were undertaken in the third country and that the class II specified aquatic animals and plants, etc. were placed under the supervision of governmental agencies or other equivalents of the third country:
    - (a) documents describing a series of transportation routes of the class II specified aquatic animals and plants, etc. from the export from the flag State to the transit through the third country; or
    - (b) documents issued by governmental agencies or other equivalents of the third country, which describe information relating to the class II specified aquatic animals and plants, dates of unloading and reloading, information related to ship names and other means of transportation, and the conditions for storage in the third country.
- (4) If the class II specified aquatic animals and plants, etc. (or, in case of processed products, the class II specified aquatic animal and plant of or from which the class II specified aquatic animal and plant, etc. were made) are aquacultured (excluding the class II specified aquatic animals and plants that were caught or gathered and then aquacultured), notwithstanding the provisions of the preceding three paragraphs, the document specified by Order

of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 11 of the Act is a document that proves such fact.

(Delegation of Authority)

Article 26 Among the authorities of the Minister of Agriculture, Forestry and Fisheries provided for in the Act, the following items are delegated to the head of the regional agricultural administration office specified in each of the items; provided, however, that this does not preclude the Minister of Agriculture, Forestry and Fisheries from exercising the authority by themselves:

- (i) recommendations under the provisions of Article 7, paragraph (1) of the Act (limited to those relating to a person, entity, or organization whose principal offices and factories, stores, places of business, and warehouses are located only within the jurisdictional district of one regional agricultural administration office (excluding those relating to duties to be undertaken by the prefectural governor pursuant to the provisions of the main clause of paragraph (1) of the Order)): the head of the regional agricultural administration office;
- (ii) recommendations under the provisions of Article 7, paragraph (2) of the Act (limited to those relating to a person, entity or organization with their principal offices and factories, stores, places of business, and warehouses are located only within the jurisdictional district of one regional agricultural administration office (excluding those relating to duties to be undertaken by the prefectural governor pursuant to the provisions of the main clause of paragraph (1) of the Order)): the head of the regional agricultural administration office;
- (iii) orders under the provisions of paragraph (3) of Article 7 relating to the recommendations made by the head of the regional agricultural administration office (including recommendations made by the governor of a prefecture which is within the jurisdictional district of the regional agricultural administration office pursuant to the provisions of the main clause of paragraph (1) of the Order) specified in the preceding two items under the provisions of paragraphs (1) or (2) of the same article of the Act (the orders are limited to those relating to a person, entity, or organization with their principal offices and factories, stores, places of business, and warehouses are located only within the jurisdictional district of the regional agricultural administration office (excluding those relating to duties to be undertaken by the prefectural governor pursuant to the provisions of the main clause of paragraph (1) of the Order)): the head of the regional agricultural administration office;
- (iv) the collection of reports and request for submission of materials from a business operator handling class I specified aquatic animals and plants, etc.



- or a business operator that has a business relationship with the first-mentioned business operator with regard to the business of class I specified aquatic animals and plants, etc., under the provisions of Article 12, paragraph (1) of the Act (excluding those related to the enforcement of Article 10 of the Act): the head of the regional agricultural administration office having jurisdiction over the address of the principal office of the business operator handling the class I specified aquatic animals and plants, etc. or business operators having a relationship with the business operator with regard to the business; and
- (v) an on-site inspection (excluding those relating to the enforcement of Article 10 of the Act) related to a business operator handling class I specified aquatic animals and plants, etc. or a business operator that has a business relationship with the first-mentioned business operator with regard to the business of class I specified aquatic animals and plants, etc., under the provisions of paragraph (1) of Article 12 of the Act: the head of the regional agricultural administration office having jurisdiction over the address of the place relating to the on-site inspection.

(Reporting to the Minister of Agriculture, Forestry and Fisheries)

Article 27 A report under the provisions of paragraph (5) of the Order is to be filed without delay by submitting a written document stating information specified in the following particulars:

- (i) the name and address of the notifying catcher or gatherer or the business operator handling class I specified aquatic animals and plants, etc. to that the recommendation or order is provided;
- (ii) the date of the recommendation or order;
- (iii) the type of class I specified aquatic animals and plants etc., relating to the recommendation or order;
- (iv) the contents of the recommendation or order; and
- (v) any other information that should be of reference.

Article 28 Report under the provisions of paragraph (6) of the Order is to be filed without delay by submitting a written document stating information specified in the following particulars:

- (i) the name and address of the business operator handling the class I specified aquatic animals and plants, etc. or the business operator that has a business relationship with the first-mentioned business operator with regard to the business of class I specified aquatic animals and plants, etc., that is subjected to collection of reports, request of submission of materials, or on-site inspection (hereinafter referred to as "on-site inspection, etc." in this Article);

- (ii) the date of the on-site inspection, etc.;
- (iii) the type of class I specified aquatic animals and plants, etc. relating to the on-site inspection, etc.;
- (iv) results of the on-site inspection, etc.; and
- (v) any other information that should be of reference.

### **Supplementary Provisions**

(Effective Date)

Article 1 This Ministerial Order comes into effect as from the date of enforcement of the Act (December 1, 2022); provided, however, that the provisions of Article 1 (limited to the part relating to item (i)) and Article 17 (limited to the part relating to item (ii)) comes into effect as from December 1, 2025.

(Transitional Measures)

Article 2 If the class I specified aquatic animals and plants, etc. (or, in case of processed products, the class I specified aquatic animal and plant of or from which the processed products were made) were caught or gathered prior to the date of enforcement of the Act (in the case of aquatic animals and plants specified in Article 1, item (i), the date provided for in the proviso of the preceding Article), the documents to be attached to the written application set forth in Article 24, paragraph (1) relating to the class I specified aquatic animals and plants, etc. are documents that prove such fact and documents specified in item (ii) of the same paragraph, notwithstanding the provisions of paragraph (2) of the same Article.

Article 3 If class II specified aquatic animals and plants, etc. (or, in case of processed products, the class II specified aquatic animal and plant of or from which the processed products were made) were caught or gathered prior to the date of enforcement of the Act, the documents specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 11 of the Act are documents that prove such fact, notwithstanding the provisions of Article 25.

(Partial Amendment of the Ministerial Order Specifying the Form of Inspection Identification Card Provided for in the Act on Japanese Agricultural Standards and Other Laws)

Article 4 Ministerial Order Specifying the Form of Inspection Identification Card provided for in the Act on Japanese Agricultural Standards and other laws (Order of the Ministry of Agriculture, Forestry and Fisheries No. 8 of 1991) is

partially amended as follows.

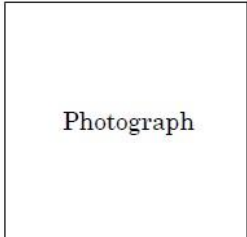
The following item is added to this provision.

(vii) paragraph (1) of Article 12 of the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (Act No. 79 of 2020)

The attached form is amended as follows.

Attached Form

Front

Identification Card		No.
 Photograph	Government Position: Name: Date of birth: Date of issue:	
<p>I certify that the above person is a person engaged in inspection in accordance with the provisions of laws provided for in Ministerial Order Specifying the Form of Inspection Identification Card provided for in the Act on Japanese Agricultural Standards and other laws.</p>		Minister of Agriculture, Forestry and Fisheries

Back

The specific provisions of laws provided for in Ministerial Order Specifying the Form of Inspection Identification Card provided for in the Act on Japanese Agricultural Standards and other laws.

1. Act on Japanese Agricultural Standards (Act No. 175 of 1950), Article 65, paragraphs (2) and (4)
2. Agricultural Products Inspection Act (Act No. 144 of 1951), Article 31, paragraphs (1) and (2)
3. Act on Stabilization of Supply, Demand and Prices of Staple Foods (Act No. 113 of 1994), Article 52, paragraph (1)
4. Act for Special Measures Concerning the Management and Transmitting of Information for Individual Identification of Cattle (Act No. 72 of 2003), Article 19, paragraphs (1) through (3)
5. Act on Recording of Information and Transmitting of Information on Producing Areas Concerning Transactions of Rice (Act No. 26), Article 10, paragraph (1)
6. Food Labeling Act (Act No. 70 of 2013), Article 8, paragraph (2)
7. Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (Act No. 79 of 2020), Article 12, paragraph (1)

(Remark) The size of the paper should be Japanese Industrial Standard B8.

(Partial Amendment of the Organization Rules of the Ministry of Agriculture, Forestry and Fisheries)

Article 5 Part of the Rules of Organization of the Ministry of Agriculture, Forestry and Fisheries (Order of the Ministry of Agriculture, Forestry and Fisheries No. 1 of 2001) is partially amended as follows.

The following item is added to Article 19, paragraph 4.

(vii) particulars relating to records and communication of information on transactions, etc. of class I specified aquatic animals and plants, etc. (meaning class I specified aquatic animals and plants, etc. provided for in Article 2, paragraph (2) of the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (Act No. 79 of 2020); the same applies hereinafter) (limited to particulars relating to the recommendation under the provisions of Article 7, paragraphs (1) or (2) of the same Act, the order under the provisions of paragraph (3) of the same Article, the collection of reports, request for submission of materials, and implementation of on-site inspection under the provisions of Article 12, paragraph (1) (hereinafter referred to as "recommendations, etc.")).

In Article 162, item (xiii) is renumbered as item (xiv), items (vii) through (xii) are moved down by one item respectively and renumbered accordingly, and the following item is added as item (vii) after item (vi).

(vii) particulars relating to records and communication of information on transactions, etc. of class I specified aquatic animals and plants, etc. (limited to those relating to recommendations, etc.);

The following item is added to Article 176.

(vii) particulars relating to records and communication of information on transactions, etc. of class I specified aquatic animals and plants, etc. (limited to those relating to recommendations, etc.);

In Article 291, item (xi) is renumbered as item (xii), items (vii) through (x) are moved down by one item respectively and renumbered accordingly, and the following item is added as item (vii) after item (vi).

(vii) particulars relating to records and communication of information on transactions, etc. of class I specified aquatic animals and plants, etc. (limited to those relating to recommendations, etc.);

The following item is added to Article 307.

(vii) particulars relating to records and communication of information on transactions, etc. of class I specified aquatic animals and plants, etc. (limited to those relating to recommendations, etc.);

Attached Form (related to Article 24, paragraph (3))

Certificate Number

Legal Harvest Certificate

The name of the type of class I specified aquatic animals and plants, etc. and processed products	
The weight or quantity and number of containers or packages of class I specified aquatic animals and plants, etc.	
Destination of export	
The name and address of the person, entity, or organization that intends to export, and if it is a corporation, the name of its representative	
The name and address of the person, entity, or organization that intends to import, and if it is a corporation, the name of its representative	
The number for identification attached to the purchase order (Invoice)	
The place scheduled to be loaded	
The means of transport (the name of ship or aircraft to be scheduled to be loaded)	

In accordance with Article 10, paragraph (3) of the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants, I certify that class I specified aquatic animals and plants, etc. exported as mentioned above are

- not caught or gathered in violation of the Fishery Act or any other relevant laws or regulations;
- Imported aquatic animals and plants, etc.; or
- Aqua cultured aquatic animals and plants, etc.

Date of issue

Minister of Agriculture, Forestry and Fisheries