

Order for Enforcement of the Act on the Exercise etc. of the Sovereign Rights regarding Fishery, etc. in the Exclusive Economic Zone is hereby promulgated.

**Order for Enforcement of the Act on the Exercise etc.
of the Sovereign Rights regarding Fishery, etc. in
the Exclusive Economic Zone (Tentative translation)**

(Cabinet Order No. 212 of July 5, 1996)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of the Act on the Exercise of the Sovereign Rights for Fishery, etc. in the Exclusive Economic Zone (Act No. 76 of 1996).

(Application of Laws and Regulations regarding Fishery, etc. by Foreign Nationals in Exclusive Economic Zone)

Article 1 The Acts as specified by Cabinet Order set forth in Article 3, paragraph (2) of the Act on the Exercise of Sovereign Rights regarding Fishery, etc. in the Exclusive Economic Zone (hereinafter referred to as "the Act") are as follows:

- (i) Act on Regulation of the Hunting of Sea Otters and Fur Seals (Act No. 21 of 1912)
- (ii) Act on the Protection of Fishery Resources (Act No. 313 of 1951)

(Special Provisions for Prohibition of Transshipping in Prohibited Sea Areas)

Article 2 The cases as specified by Cabinet Order set forth in Article 4, paragraph (2) of the Act are the following cases:

- (i) Cases where the fish catches or products made from them are foreign shipped catches (meaning the foreign shipped catches set forth in Article 4, paragraph [1], item [ii] of the Act on Regulation of Fishing Operation by Foreign Nationals [Act No. 60 of 1967])
- (ii) Cases where the fish catches or products made from them pertain to the specified import approval (meaning the specified import approval set forth in Article 2 of the Order for Enforcement of the Act on Regulation of Fishing Operation by Foreign Nationals [Cabinet Order No. 325 of 1967])
- (iii) Cases where transshipment is made from a vessel other than a foreign fishing vessel (meaning the foreign fishing vessel set forth in Article 2, paragraph [7] of the Act on Regulation of Fishing Operation by Foreign Nationals; the same applies in the following item) to another vessel
- (iv) Cases where loading is made from a vessel other than a foreign fishing vessel
- (v) Beyond the cases listed in the preceding items, cases where the Minister of

Agriculture, Forestry and Fisheries grants approval on finding that there is no risk of harm to the preservation of normal order of the Japanese fishery

(Standard for License)

Article 3 The standards as specified by Cabinet Order set forth in Article 6, paragraph (1) of the Act are that the foreign nation to which the foreign national who is the subject of the application belongs gives reasonable consideration to fish catches by Japan's fishery operators in the surrounding waters of such foreign nation.

(Hearing of Opinions)

Article 4 When intending to specify the limit for the quantity of fish catches set forth in Article 6, paragraph (1) of the Act, the Minister of Agriculture, Forestry and Fisheries is to hear the opinions of persons with relevant knowledge and experience and other relevant persons with regard to the trends in living marine resources and the actual situation of fish catches by Japan's fishery operators in Japan's exclusive economic zone (hereinafter simply referred to as "the exclusive economic zone") (excluding the prohibited sea area set forth in Article 4, paragraph [1] of the Act; hereinafter the same applies in this Article), the situation of fishery by the foreign nationals in the exclusive economic zone, and Japan's fishery in the surrounding waters of foreign nations.

(Amount of Fishery Fees)

Article 5 (1) The amount of fishery fees specified by Cabinet Order stated in Article 7, paragraph (1) of the Act is to be the amount obtained by multiplying the quantity of aquatic plants and animals which the foreign nationals who have obtained the permission stated in Article 5, paragraph (1) of the Act may gather or catch based on the permission by the unit price of fishery fees.

(2) The unit price of fishery fees stated in the preceding paragraph is to be determined by the Minister of Agriculture, Forestry and Fisheries for each foreign country to which the foreign nationals belong, for each type of aquatic plants and animals and for each period as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries, based on the transaction prices of the relevant aquatic plants and animals (defined as the transaction prices of the relevant aquatic plants and animals in the latest several years as ascertained by statistics and other materials prepared by the government), taking into consideration the inhabitation or growth status, gathering or catching record and other circumstances of the relevant aquatic plants and animals.

(3) In the case where it is particularly necessary based on reciprocity with the

foreign state to which the foreign national who has obtained permission under Article 5, paragraph (1) of the Act belongs or where there are other special reasons equivalent thereto, notwithstanding the provisions of paragraph (1), fishery fees may not be collected, or fishery fees may be collected in an amount obtained by subtracting the amount specified by the Minister of Agriculture, Forestry and Fisheries from the amount calculated pursuant to the provisions of the same paragraph.

(Amount of Fees)

Article 6 (1) The amount of fees specified by Cabinet Order stated in Article 11, paragraph (1) of the Act is 9,600 yen per application for approval stated in Articles 8 through 10 of the Act (hereinafter simply referred to as "approval" in this Article); provided, however, that if special expenses exceeding this amount are required for the administration of affairs concerning approval, fees may be collected in the amount specified by the Minister of Agriculture, Forestry and Fisheries within the scope of the expenses required for the administration of the affairs.

(2) Notwithstanding the provisions of the preceding paragraph, in the following cases, the fees referred to in that paragraph may not be collected, or fees may be collected in an amount calculated by deducting the amount specified by the Minister of Agriculture, Forestry and Fisheries from the amount of fees under that paragraph:

- (i) if it is necessary to sincerely fulfill obligations under the treaties or other international agreements concluded by Japan;
- (ii) cases where there is a special necessity based on reciprocity with the foreign state to which the foreign national who seeks approval belongs or where there are other special reasons equivalent thereto;
- (iii) cases where the harvest of aquatic plants and animals, fishery incidental acts or surveys that the foreign national who seeks approval intends to carry out are particularly necessary to contribute to the development of the Japanese fishery or the promotion of international cooperation.

(Delegation to Order of the Ministry of Agriculture, Forestry and Fisheries)

Article 7 Beyond what is provided for in the preceding two Articles, necessary matters concerning the payment of fishery fees and the fees referred to in paragraph (1) of the preceding Article are prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Technical Replacement Relating to Fishery, etc. Pertaining to Fixative Species on the Continental Shelf)

Article 8 (1) When applying the provisions of Articles 3 through 13 of the Act

mutatis mutandis pursuant to the provisions of Article 14, paragraph (1) of the Act, the terms and phrases listed in the middle column of the following table which are used in the provisions of the Act listed in the left-hand column of that table are to be deemed to be replaced with the terms and phrases listed in the right-hand column of that table.

- (2) The provisions of Article 1 and Article 3 through the preceding Articles apply mutatis mutandis to the fishery, the harvest of aquatic plants and animals (excluding those falling under fishery and including fishery incidental acts; the same applies in Article 2 of the Supplementary Provisions) and surveys pertaining to fixative species in the area which is the continental shelf but not in the exclusive economic zone. In this case, the terms and phrases listed in the middle column of the following table which are used in the provisions listed in the left-hand column of that table are to be deemed to be replaced with the terms and phrases listed in the right-hand column of that table.

(Crimes Specified by Cabinet Order Set Forth in Article 24, Paragraph [1] of the Act)

Article 9 The crimes as specified by Cabinet Order set forth in Article 24, paragraph (1) of the Act are to be crimes that violate the provisions of the Act.

(Regulating Officers)

Article 10 The persons as specified by Cabinet Order set forth in Article 24, paragraph (1) of the Act are to be authorized fisheries supervisors, coast guard officers, and police officers.

(Standards on the Amount of Bond)

Article 11 The standards set forth in Article 24, paragraph (2) of the Act must be specified by taking into consideration the type of violation, the penalty provided for the crime, the gravity of violation, the number of violations committed, etc.

(Provision of Bond)

Article 12 (1) Bonds (excluding those provided based on the content of a document which certifies that the bond will be provided [hereinafter referred to as "letter of guarantee"]; the same applies in item [i]) or a letter of guarantee must be provided in accordance with the following:

- (i) The bond must be provided in the Japanese currency by the violator or the master of a vessel pertaining to the seizure or a person who is deemed appropriate by the competent minister to provide the bond within ten days counting from the day after that on which a notification was made under the provisions of Article 24, paragraph (1) of the Act (in the case where a law-

enforcement officer finds that compelling circumstances exist and extends that period for up to 20 days counting from the day after that on which that notification was made, within the period so extended).

- (ii) A letter of guarantee that meets the following requirements must be provided within the period set forth in the preceding item:
 - (a) A Letter of Guarantee must be one which certifies that the bond will be provided in the Japanese currency within one month counting from the day after that on which that letter of guarantee is provided, and which is found to guarantee that the bond will be provided without fail in accordance with the content of that letter of guarantee.
 - (b) A person who provides a bond pertaining to that letter of guarantee must fall under the persons set forth in the preceding item.
- (2) In the case where the last day of the period set forth in item (i) and item (ii), (a) of the preceding paragraph falls on a Sunday, Saturday, a holiday set forth in the National Holidays Act (Act No. 178 of 1948), January 2, January 3, or December 31, the day is not included in that period.

(Competent Minister and Order of Competent Ministry)

- Article 13 (1) The competent ministers set forth in Article 24, paragraph (1), Article 25, paragraph (1) and Article 26, paragraph (1) of the Act and paragraph (1) of the preceding Article is to be the Minister of Agriculture, Forestry and Fisheries with regard to incidents pertaining to authorized fisheries supervisors, the Minister of Land, Infrastructure, Transport and Tourism with regard to incidents pertaining to coast guard officers, and the Prime Minister with regard to incidents pertaining to police officers; and, the competent ministers set forth in Article 24, paragraph (2) of the Act is to be the Minister of Agriculture, Forestry and Fisheries, the Minister of Land, Infrastructure, Transport and Tourism, and the Prime Minister.
- (2) The Orders of the competent ministries set forth in Article 17, paragraph (2) of the Act are to be Orders of the Ministry of Agriculture, Forestry and Fisheries, Orders of the Ministry of Land, Infrastructure, Transport, and Tourism, and Cabinet Office Orders.

Supplementary Provisions [Extract]

(Effective Date)

- Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act (July 20, 1996); provided, however, that the provisions pertaining to the row 3 of the table of the following Article come into effect as of January, 1, 1997.

(Special Provision for Application)

Article 2 The provisions set forth in Articles 5 through 13 of the Act do not apply to the fishery, harvest of aquatic plants and animals or surveys that are conducted by the foreign nationals listed in the middle column of the table in the sea areas listed in the right-hand column of that table.

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

Article 3 The Order for Enforcement of the Act on Temporary Measures Concerning Fishery Waters (Cabinet Order No. 212 of 1977) is abolished.

Supplementary Provisions [Cabinet Order No. 10 of January 21, 1999]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Agreement between Japan and the Republic of Korea Pertaining to the Fishery.

(Repeal of the Cabinet Order on the Establishment of the Sea Area Pertaining to the Fishery under 1 of Article 1 of the Agreement between Japan and the Republic of Korea Pertaining to Fishery)

Article 2 The Cabinet Order on the Establishment of the Sea Area Pertaining to the Fishery under 1 of Article 1 of the Agreement between Japan and the Republic of Korea Pertaining to Fishery (Cabinet Order No. 373 of 1965) shall be abolished.

Supplementary Provisions [Cabinet Order No. 228 of May 26, 2000]

This Cabinet Order comes into effect as of the date of enforcement of the Agreement between Japan and the People's Republic of China Pertaining to Fisheries.

Supplementary Provisions [Cabinet Order No. 310 of June 7, 2000 Extract] [Extract]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act Partially Amending the Cabinet Act (Act No. 88 of 1999) (January 6, 2001).

Supplementary Provisions [Cabinet Order No. 434 of December 28, 2001]

Extract] [Extract]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act Partially Amending the Survey Act and the Act on Services Related to Waterways (April 1, 2002).

Supplementary Provisions [Cabinet Order No. 135 of May 10, 2013]

(Effective Date)

(1) This Cabinet Order comes into effect as of the day of promulgation.

(Transitional Measures Concerning Penal Provisions)

(2) Prior laws continue to govern the application of the penal provisions to an act conducted prior to the enforcement of this Cabinet Order.

Supplementary Provisions [Cabinet Order No. 303 of September 12, 2014]

This Cabinet Order comes into effect as of October 1, 2014.

Supplementary Provisions [Cabinet Order No. 379 of November 28, 2014]

This Cabinet Order comes into effect as of the date of enforcement of the Act Partially Amending the Act on Regulation of Fishing Operation by Foreign Nationals and the Act on the Exercise of the Sovereign Right for Fishery, etc. in the Exclusive Economic Zone.

Supplementary Provisions [Cabinet Order No. 173 of December 4, 2019]

(Effective Date)

(1) This Cabinet Order comes into effect as of the day of promulgation.

(transitional measure)

(2) The provisions of Article 5 through Article 7 and Article 8, paragraph (2) of the Order for Enforcement of the Act on the Exercise etc. of the Sovereign Rights regarding Fishery, etc. in the Exclusive Economic Zone revised by this Cabinet Order apply to fishery fees to be paid pursuant to the provisions of Article 7, paragraph (1) of the Act on the Exercise of the Sovereign Rights for Fishery, etc. in the Exclusive Economic Zones (including the cases where applied mutatis mutandis pursuant to Article 14, paragraph (1) of the same Act) and the fees to be paid pursuant to the provisions of Article 11, paragraph

(1) of the same Act (including the cases where applied mutatis mutandis pursuant to Article 14, paragraph (1) of the same Act) by each person who files an application for the permission stated in Article 5, paragraph (1) of the same Act (including the cases where applied mutatis mutandis pursuant to Article 14, paragraph (1) of the same Act) or the approval stated in Article 8 through Article 10 of the same Act (including the cases where these provisions are applied mutatis mutandis pursuant to Article 14, paragraph (1)) on or after the effective date of this Cabinet Order.