

排他的経済水域における漁業等に関する主権的権利の行使等に関する法律施行令をここに公布する。

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.

排他的経済水域における漁業等に関する主権的権利の行使等に関する法律施行令（暫定版）

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

(平成八年七月五日政令第二百十二号)
(Cabinet Order No. 212 of July 5, 1996)

内閣は、排他的経済水域における漁業等に関する主権的権利の行使等に関する法律（平成八年法律第七十六号）の規定に基づき、この政令を制定する。

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).

(排他的経済水域における外国人の漁業等に関する法令の適用等)

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

第一条 排他的経済水域における漁業等に関する主権的権利の行使等に関する法律（以下「法」という。）第三条第二項の政令で定める法律は、次のとおりとする。

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:

一 臘虎膾肭獸獵獲取締法（明治四十五年法律第二十一号）

(i) Act on Regulation of the Hunting of Sea Otters and Fur Seals (Act No. 21 of 1912)

二 水産資源保護法（昭和二十六年法律第三百十三号）

(ii) Act on the Protection of Fishery Resources (Act No. 313 of 1951)

(禁止海域における転載等の禁止の特例)

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

第二条 法第四条第二項の政令で定める場合は、次に掲げる場合とする。

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

一 当該漁獲物又はその製品が外国積出漁獲物等（外国人漁業の規制に関する法律（昭和四十二年法律第六十号）第四条第一項第二号に規定する外国積出漁獲物等をいう。）である場合

(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])

二 当該漁獲物又はその製品が特定輸入承認（外国人漁業の規制に関する法律施行令（昭和四十二年政令第三百二十五号）第二条に規定する特定輸入承認をいう。）に係るものである場合

(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])

三 外国漁船（外国人漁業の規制に関する法律第二条第七項に規定する外国漁船をいう。次号において同じ。）以外の船舶から他の船舶へ転載する場合

(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

四 外国漁船以外の船舶から積み込む場合

(iv) Cases where loading is made from a vessel other than a foreign fishing vessel

五 前各号に掲げる場合のほか、我が国漁業の正常な秩序の維持に支障を生ずることとならないと認めて農林水産大臣が許可した場合

(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

（許可の基準）

(Standard for License)

第三条 法第六条第一項の政令で定める基準は、申請に係る外国人の属する外国が当該外国周辺水域における我が国漁業者の漁獲につき妥当な考慮を払っていないものでないこととする。

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.

（意見の聴取）

(Hearing of Opinions)

第四条 農林水産大臣は、法第六条第一項の漁獲量の限度を定めようとするときは、我が国の排他的経済水域（以下単に「排他的経済水域」という。）（法第四条第一項に規定する禁止海域を除く。以下この条において同じ。）における海洋生物資源の動向及び我が国漁業者の漁獲の実情、排他的経済水域における外国人による漁業の状況、外国周辺水域における我が国漁業の状況等に関して、学識経験がある者及び漁業者その他の関係者の意見を聴くものとする。

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.

(入漁料の額等)

(Amount of Fishery Fees)

第五条 法第七条第一項の政令で定める入漁料の額は、法第五条第一項の許可を受けた外国人が当該許可に基づき採捕することができる水産動植物の数量に入漁料単価を乗じて得た額とする。

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 前項の入漁料単価は、農林水産大臣が、農林水産省令で定める外国人の属する外国ごと、水産動植物の種類ごと及び期間ごとに、当該水産動植物の取引価格（政府が作成した統計その他の資料により明らかとなっている最近の数年間における取引価格をいう。）を基礎とし、当該水産動植物の生息又は生育の状況、採捕の実績その他の事情を勘案して定めるものとする。

(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 法第五条第一項の許可を受けた外国人の属する外国との相互主義に基づき特に必要がある場合その他これに準ずる特別の事由がある場合には、第一項の規定にかかわらず、入漁料を徴収せず、又は同項の規定により算出した額から農林水産大臣が定める額を減じた額の入漁料を徴収することができる。

(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.

(手数料の額等)

(Amount of Fees)

第六条 法第十一条第一項の政令で定める手数料の額は、法第八条から第十条までの承認（以下この条において単に「承認」という。）の申請一件につき九千六百円とする。ただし、承認に係る事務の処理に関してこの額を超える特別の費用を要した場合には、当該事務の処理に要した費用の範囲内で農林水産大臣が定める額の手数料を徴収することができる。

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 次に掲げる場合には、前項の規定にかかわらず、同項の手数料を徴収せず、又は同項の規定による手数料の額から農林水産大臣が定める額を減じた額の手数料を徴収することができる。

(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:

一 我が国が締結した条約その他の国際約束を誠実に履行するため必要がある場合

(i) if it is necessary to sincerely fulfill obligations under the treaties or other international agreements concluded by Japan;

二 承認を受けようとする外国人の属する外国との相互主義に基づき特に必要がある場合その他これに準ずる特別の事由がある場合

(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;

三 承認を受けようとする外国人が行おうとする水産動植物の採捕、漁業等付随行為又は探査が我が国の漁業の発展又は国際協力の推進に寄与するため特に必要がある場合

(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.

(農林水産省令への委任)

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

第七条 前二条に定めるもののほか、入漁料及び前条第一項の手数料の納付に関し必要な事項は、農林水産省令で定める。

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.

(大陸棚の定着性種族に係る漁業等に関する技術的読替え等)

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

第八条 法第十四条第一項の規定により法第三条から第十三条までの規定を準用する場合には、次の表の上欄に掲げる法の規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

Article 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 第一条及び第三条から前条までの規定は、大陸棚であつて排他的経済水域でない区域の定着性種族に係る漁業、水産動植物の採捕（漁業に該当するものを除き、漁業等付随行為を含む。附則第二条において同じ。）及び探査について準用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

(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.

(法第二十四条第一項の政令で定める罪)

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

第九条 法第二十四条第一項の政令で定める罪は、法の規定に違反した罪とする。

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.

(取締官)

(Regulating Officers)

第十条 法第二十四条第一項の政令で定める者は、漁業監督官、海上保安官及び警察官とする。

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.

(担保金の額に関する基準)

(Standards on the Amount of Bond)

第十一条 法第二十四条第二項の基準は、違反の種類、その罪につき定められた刑、違反の程度、違反の回数等を考慮して定めなければならない。

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.

(担保金等の提供)

(Provision of Bond)

第十二条 担保金（担保金の提供を保証する書面（以下「保証書」という。）に記載されているところに従って提供されるものを除く。第一号において同じ。）又は保証書は、次に掲げるところに従って提供されなければならない。

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:

一 担保金にあっては、法第二十四条第一項の規定による告知があった日の翌日から起算して十日以内（取締官がやむを得ない事由があると認めて当該告知があった日の翌日から起算して二十日を超えない範囲内において当該期間を延長したときは、その期間内）に、違反者又は拿（だ）捕に係る船舶の船長その他主務大臣が担保金を提供する者として適当と認める者から、本邦通貨で提供されること。

(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).

二 保証書にあっては、次に掲げる要件に適合するものが前号の期間内に提供されること。

(ii) A letter of guarantee that meets the following requirements must be provided within the period set forth in the preceding item:

イ 当該保証書が提供された日の翌日から起算して一月以内に本邦通貨で担保金が提供されることを保証するものであり、かつ、当該保証書に記載されているところに従って担保金が確実に提供されると認められるものであること。

(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.

ロ 当該保証書に係る担保金を提供する者が前号に規定する者に該当するものであること。

(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 前項第一号及び第二号イの期間の末日が日曜日若しくは土曜日、国民の祝日に関する法律（昭和二十三年法律第七十八号）に規定する休日又は一月二日、同月三日若しくは十二月三十一日に当たるときは、その日は、当該期間に算入しない。

(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.

(主務大臣及び主務省令)

(Competent Minister and Order of Competent Ministry)

第十三条 法第二十四条第一項、第二十五条第一項及び第二十六条第一項並びに前条第一項における主務大臣は、漁業監督官に係る事件については農林水産大臣、海上保安官に係る事件については国土交通大臣、警察官に係る事件については内閣総理大臣とし、法第二十四条第二項における主務大臣は、農林水産大臣、国土交通大臣及び内閣総理大臣とする。

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 法第十七条第二項における主務省令は、農林水産省令・国土交通省令・内閣府令とする。

(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.

附 則 [抄]

Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

第一条 この政令は、法の施行の日（平成八年七月二十日）から施行する。ただし、次条の表の三の項に係る規定は、平成九年一月一日から施行する。

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.

(適用の特例)

(Special Provision for Application)

第二条 法第五条から第十三条までの規定は、次の表の中欄に掲げる外国人がそれぞれ同表の下欄に掲げる海域において行う漁業、水産動植物の採捕又は探査に関しては、適用しない。

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.

(漁業水域に関する暫定措置法施行令の廃止)

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

第三条 漁業水域に関する暫定措置法施行令（昭和五十二年政令第二百十二号）は、廃止する。

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

附 則 〔平成十一年一月二十一日政令第十号〕

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

(施行期日)

(Effective Date)

第一条 この政令は、漁業に関する日本国と大韓民国との間の協定の効力発生の日から施行する。

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.

(日本国と大韓民国との間の漁業に関する協定第一条1の漁業に関する水域の設定に関する政令の廃止)

(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)

第二条 日本国と大韓民国との間の漁業に関する協定第一条1の漁業に関する水域の設定に関する政令（昭和四十年政令第三百七十三号）は、廃止する。

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.

附 則 〔平成十二年五月二十六日政令第二百二十八号〕

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

この政令は、漁業に関する日本国と中華人民共和国との間の協定の効力発生の日から施行する。

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.

附 則 〔平成十二年六月七日政令第三百十号〕 〔抄〕
**Supplementary Provisions [Cabinet Order No. 310 of June 7, 2000
Extract] [Extract]**

(施行期日)

(Effective Date)

第一条 この政令は、内閣法の一部を改正する法律（平成十一年法律第八十八号）の施行の日（平成十三年一月六日）から施行する。

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).

附 則 〔平成十三年十二月二十八日政令第四百三十四号〕 〔抄〕
**Supplementary Provisions [Cabinet Order No. 434 of December 28, 2001
Extract] [Extract]**

(施行期日)

(Effective Date)

第一条 この政令は、測量法及び水路業務法の一部を改正する法律の施行の日（平成十四年四月一日）から施行する。

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).

附 則 〔平成二十五年五月十日政令第百三十五号〕
Supplementary Provisions [Cabinet Order No. 135 of May 10, 2013]

(施行期日)

(Effective Date)

1 この政令は、公布の日から施行する。

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

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

2 この政令の施行前にした行為に対する罰則の適用については、なお従前の例による。

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

附 則 〔平成二十六年九月十二日政令第三百三号〕

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

この政令は、平成二十六年十月一日から施行する。

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

附 則 [平成二十六年十一月二十八日政令第三百七十九号]

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

この政令は、外国人漁業の規制に関する法律及び排他的経済水域における漁業等に関する主権的権利の行使等に関する法律の一部を改正する法律の施行の日から施行する。

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.

附 則 [令和元年十二月四日政令第百七十三号]

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

(施行期日)

(Effective Date)

1 この政令は、公布の日から施行する。

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

(経過措置)

(transitional measure)

2 この政令による改正後の排他的経済水域における漁業等に関する主権的権利の行使等に関する法律施行令第五条から第七条まで及び第八条第二項の規定は、この政令の施行の日以後に排他的経済水域における漁業等に関する主権的権利の行使等に関する法律第五条第一項（同法第十四条第一項において準用する場合を含む。）の許可又は同法第八条から第十条まで（これらの規定を同法第十四条第一項において準用する場合を含む。）の承認の申請を行った者が、それぞれ、同法第七条第一項（同法第十四条第一項において準用する場合を含む。）の規定により納付すべき入漁料及び同法第十一条第一項（同法第十四条第一項において準用する場合を含む。）の規定により納付すべき手数料について適用する。

(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.