

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

(Order of the Ministry of Agriculture, Forestry and Fisheries No. 33 of July 15, 1996)

Pursuant to the provisions of Article 4, paragraph (1), Article 5, paragraphs (1), (2), and (3), Article 6, paragraph (1), Article 8, Article 9, Article 10, and Article 17, paragraph (2) of the Act on the Exercise of the Sovereign Right for Fishery, etc. in the Exclusive Economic Zones (Act No. 76 of 1996), Ordinance for Enforcement of the Act on the Exercise etc. of the Sovereign Rights regarding Fishery, etc. in the Exclusive Economic Zone is established as follows.

(Gathering or Catching Aquatic Animals or Plants on a Minor Scale)

Article 1 The gathering or catching of aquatic animals or plants on a minor scale as specified by the Order of the Ministry of Agriculture, Forestry and Fisheries pursuant to the proviso of Article 4, paragraph (1) of Act on the Exercise of the Sovereign Right for Fishery, etc. in the Exclusive Economic Zone (hereinafter referred to as "the Act") is to be the following gathering or catching of aquatic animals or plants, which in the case stated in items (i) and (ii) are carried out by a vessels with gross tonnage of less than 3 tons or which are carried out by legitimate foreign residents under management of a fishery operator with Japanese nationality (including a person that has others gather or catch aquatic animals plants as a business; hereinafter the same applies in this Article) using a Japanese vessel with gross tonnage of 3 tons or more, and which in the case of item (iii) are carried out by a legitimate foreign residents under management of a fishery operators with Japanese nationality using a Japanese vessel in the sea area and during the period separately specified and publicly notified by the Minister of Agriculture, Forestry and Fisheries:

- (i) gathering or catching of aquatic animals of plants by rod fishing or handline fishing (excluding chumming);
- (ii) gathering or catching of aquatic animals or plants by using no fishing gear other than a landing net, scoop net, fishing spear or stripping-off gear;
- (iii) gathering or catching of aquatic animals or plants by using a trolling line.

(Application for Permission)

Article 2 (1) Any foreign national who seeks to apply for the permission set forth in Article 5, paragraph (1) of the Act must, with regard to the vessel

undertaking the fishery or the harvest of aquatic plants and animals (excluding those falling under the fishery and including fishery incidental acts; the same applies hereinafter), submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries.

- (i) The foreign nation to which the foreign national applying for permission belongs, and the name and address or location of the person
 - (ii) the name of the ship pertaining to the application, the number indicated on the hull, the type, the size, the maximum speed, the number of crew members, the main base, and the name of the master of the ship;
 - (iii) The method of the fishery or the harvest of aquatic plants and animals which is the subject of the application, the kind of target aquatic plants and animals, the planned quantity of fish catches, the planned sea area for operation, and the planned period of operation
 - (iv) other matters specified separately by the Minister of Agriculture, Forestry and Fisheries.
- (2) In addition to the written application set forth in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries may ask for the submission of documents considered necessary for determining whether or not the permission may be granted.

(Form of Permit)

Article 3 The form of permit issued pursuant to the provisions of Article 5, paragraph (2) of the Act is to be specified separately and announced by the Minister of Agriculture, Forestry and Fisheries.

(Reissuance of a Permit)

Article 4 (1) Any foreign national who has been granted the permission set forth in Article 5, paragraph (1) of the Act must, when having lost or damaged the permit, promptly apply for reissuance of the permit to the Minister of Agriculture, Forestry and Fisheries, indicating the reason of it.

- (2) When an application has been made pursuant to the provisions of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries is to issue a permit without delay.

(Statement that Permit has been Granted)

Article 5 The statement that a permit has been granted set forth in paragraph (1) of Article 5 under the provisions of the same Article, paragraph (3) of the Act must be made clearly using a sign that is specified separately and publicly notified by the Minister of Agriculture, Forestry and Fisheries.

(Place Permit must be Kept)

Article 6 The permit set forth in Article 5, paragraph (2) of the Act must be kept on the bridge or other equivalent places.

(Categories of the Limit for the Quantity of Fish Catches)

Article 7 The categories as specified by the Order of the Ministry of Agriculture, Forestry and Fisheries set forth in Article 6, paragraph (1) of the Act are to be specified by the Minister of Agriculture, Forestry and Fisheries, according to the kind of aquatic plants and animals, sea area, and foreign nations to which foreign nationals belong.

(Purpose of Harvest of Aquatic Plants and Animals Pertaining to Authorization)

Article 8 The purpose as specified by the Order of the Ministry of Agriculture, Forestry and Fisheries set forth in Article 8 of the Act is testing and research as well as practice teaching.

(Approval of Harvest of Aquatic Plants and Animals)

Article 9 Any foreign national who seeks the approval set forth in Article 8 of the Act must submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries for each vessel pertaining to the harvest of aquatic plants and animals.

- (i) the foreign state to which the foreign national applying for approval belongs, their name and address or location;
- (ii) The name of the vessel which is the subject of the application, the number indicated on the hull, the size, and the name of the master of the vessel
- (iii) The method of the fishery or the harvest of aquatic plants and animals pertaining to the application, the kind of target aquatic plants and animals, the planned quantity of harvest, the planned sea area for harvest, and the planned period of harvest
- (iv) other matters specified separately by the Minister of Agriculture, Forestry and Fisheries.

(Approval of Fishery Incidental Acts Pertaining to Fishery by Persons Other Than Foreign Nationals)

Article 10 Any foreign national who seeks the approval set forth in Article 9 of the Act must submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries for each vessel to which the fishery incidental acts pertaining to the fishery or the harvest of aquatic plants and animals by persons other than foreign nationals relate (hereinafter simply referred to as "fishery incidental acts").

- (i) the foreign state to which the foreign national applying for approval belongs,

- their name and address or location;
- (ii) the name of the ship pertaining to the application, the number indicated on the hull, the type, the size, the maximum speed, the number of crew members, the main base, and the name of the master of the ship;
 - (iii) The purpose and type of the fishery incidental acts to which the application pertains, the planned sea area for operation, and the planned period
 - (iv) The name and address or location of the person other than the foreign national who undertakes the fishery or the harvest of aquatic plants and animals pertaining to the fishery incidental acts to which the application pertains, and the name of the vessel pertaining to that fishery or harvest of aquatic plants and animals, the number indicated on the hull, the type, the size, the maximum speed, the number of crew members, the main base, and the name of the master of the vessel
 - (v) In the case of an application pertaining to searches for fish and the collection of fish, the kind of target aquatic plants and animals
 - (vi) In the case of an application pertaining to the storage or processing of fish catches or transportation of fish catches or products made from them, the kind of target fish catches or products made from them and the planned quantity of them
 - (vii) In the case of an application pertaining to supply to a vessel, the details of the supply and the planned quantity of it
 - (viii) Other matters as specified separately by the Minister of Agriculture, Forestry and Fisheries

(Approval of Surveys)

Article 11 Any foreign national who seeks the approval set forth in Article 10 of the Act must submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries for each vessel involved in the survey.

- (i) the foreign state to which the foreign national applying for approval belongs, their name and address or location;
- (ii) the name of the ship pertaining to the application, the number indicated on the hull, the type, the size, the maximum speed, the number of crew members, the main base, and the name of the master of the ship;
- (iii) The purpose and method of the survey to which the application pertains, the kind of target aquatic plants and animals, equipment used for the survey, the planned sea area for operation, and the planned period
- (iv) other matters specified separately by the Minister of Agriculture, Forestry and Fisheries.

(Standards for Authorization)

Article 12 When an application for authorization set forth in Articles 8 through 10 of the Act has been made, the Minister of Agriculture, Forestry and Fisheries must not grant the authorization set forth in Articles 8 through 10 of the Act unless the harvests of aquatic plants and animals, the fishery incidental acts or the surveys pertaining to that application do not hinder the protection of living marine resources, the adjustment of the fishery, or other public interests.

(Application Mutatis Mutandis to Harvest of Aquatic Plants and Animals for Test and Research Purposes)

Article 13 The provisions set forth in Article 2, paragraph (2) and Articles 3 through 6 applies mutatis mutandis to the authorization set forth in Articles 8 through 10 of the Act.

(Order to Halt)

Article 14 (1) If it is necessary to carry out the inspection or interview under the provisions of paragraph (1), Article 15-2 of the Act, an authorized fisheries supervisor may order the captain, the person who performs the duties of the captain, or the person who commands the operation of a vessel engaged in fishing, the gathering or catching of aquatic animals and plants, or exploration, to halt.

(2) The order to halt under the preceding paragraph must be issued by announcing or indicating or interview under the preceding paragraph will be conducted and by using the following signals provided for in the International Code of Signals adopted by the International Maritime Organization or other appropriate means:

(i) to hoist the signal flag L;

(ii) to continuously give L signals (one short sound, one prolonged sound and two short sounds) by siren, steam whistle or other acoustic signals at intervals of about seven seconds;

(iii) to continuously give L signals (one short light, one prolonged light, and two short lights) with a floodlight at intervals of about 7 seconds.

(3) In the preceding paragraph, "prolonged sound" or "prolonged light" refers to the action of continuously making a sound or throwing light for 3 seconds, "short sound" or "short light" refers to the action of continuously making a sound or throwing light for about 1 second.

(Mutatis Mutandis Application to Fishery, etc. Pertaining to Fixative Species on the Continental Shelf)

Article 15 The provisions of Article 2 through the preceding Article applies

mutatis mutandis to the fishery, the harvest of aquatic plants and animals 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.

Supplementary Provisions

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date of enforcement of the Act (July 20, 1996).

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

Article 2 The Ordinance for Enforcement of Act on Temporary Measures Concerning Fishery Waters (Order of the Ministry of Agriculture and Forestry No. 28 of 1977) is abolished.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries No. 50 of September 12, 2014]

This Ministerial Order comes into effect as of the date of enforcement of the Act Partially Amending the Order for Enforcement of the Act on the Exercise of the Sovereign Right for Fishery, etc. in the Exclusive Economic Zone (October, 1, 2014)

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries No. 4 of February 4, 2015]

This Ministerial Order comes into effect as of the day of promulgation.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries No. 45 of December 4, 2019]

This Ministerial Order comes into effect as of the day of promulgation.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries No. 49 of July 8, 2020 Extract] [Extract]

(Effective Date)

- (1) This Ministerial Order comes into effect as of the date on which the Act for Partial Revision, etc. of the Fishery Act, etc. (hereinafter referred to as the "Revised Act") comes into effect (December 1, 2020).

(transitional measure)

- (5) With regard to the application of penal provisions to acts committed prior to the enforcement of this Ministerial Order and acts committed after the enforcement of this Ministerial Order in the case where the provisions then in force remain in force pursuant to the provisions of the preceding paragraph, the provisions then in force remain applicable.

**Supplementary Provisions [Order of the Ministry of Agriculture, Forestry
and Fisheries No. 46 of August 3, 2022]**

This Ministerial Order comes into effect as of the day of promulgation.