

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規則（暫定版）

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

（平成八年七月十五日農林水産省令第三十三号）

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

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）第四条第一項、第五条第一項、第二項及び第三項、第六条第一項、第八条、第九条、第十条並びに第十七条第二項の規定に基づき、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規則を次のように定める。

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.

（軽易な水産動植物の採捕）

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

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。）第四条第一項ただし書の農林水産省令で定める軽易な水産動植物の採捕は、次に掲げる水産動植物の採捕で、第一号及び第二号に掲げるものにあつては総トン数三トン未満の船舶により行うもの又は適法に我が国に在留する外国人が日本の国籍を有する漁業者（人に水産動植物の採捕をさせることを業とする者を含む。以下この条において同じ。）の管理の下に総トン数三トン以上の日本船舶により行うものと、第三号に掲げるものにあつては農林水産大臣が別に定めて告示する海域及び期間において適法に我が国に在留する外国人が日本の国籍を有する漁業者の管理の下に日本船舶により行うものとする。

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:

- 一 さおづり又は手づり（まき餌（え）づりを除く。）による水産動植物の採捕
(i) gathering or catching of aquatic animals of plants by rod fishing or handline fishing (excluding chumming);
- 二 たも網、又（さ）手網、やす及びは具以外の漁具を使用しないで行う水産動植物の採捕
(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;
- 三 ひき縄づりによる水産動植物の採捕
(iii) gathering or catching of aquatic animals or plants by using a trolling line.

（許可の申請）

(Application for Permission)

第二条 法第五条第一項の許可を受けようとする外国人は、漁業又は水産動植物の採捕（漁業に該当するものを除き、漁業等付随行為を含む。以下同じ。）に係る船舶に関し、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。

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.

- 一 許可を申請する外国人の属する外国、氏名又は名称及び住所又は所在地
(i) The foreign nation to which the foreign national applying for permission belongs, and the name and address or location of the person
- 二 申請に係る船舶の名称、船体に標示されている番号、種類、規模、最大速力、乗組員数、根拠地及び船長の氏名
(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;
- 三 申請に係る漁業又は水産動植物の採捕の方法、対象とする水産動植物の種類及び漁獲予定量、操業予定海域並びに操業予定期間
(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

四 その他農林水産大臣が別に定める事項

(iv) other matters specified separately by the Minister of Agriculture, Forestry and Fisheries.

2 農林水産大臣は、前項の申請書のほか、許可をするかどうかの判断に関し必要と認める書類の提出を求めることができる。

(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.

(許可証の様式)

(Form of Permit)

第三条 法第五条第二項の規定により交付する許可証の様式は、農林水産大臣が別に定めて告示するものとする。

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.

(許可証の再交付)

(Reissuance of a Permit)

第四条 法第五条第一項の許可を受けた外国人は、許可証を亡失し、又はき損した場合には、速やかに、理由を付して農林水産大臣に許可証の再交付を申請しなければならない。

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 農林水産大臣は、前項の規定による申請があったときは、遅滞なく、許可証を交付するものとする。

(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.

(許可を受けた旨の表示)

(Statement that Permit has been Granted)

第五条 法第五条第三項の規定による同条第一項の許可を受けた旨の表示は、農林水産大臣が別に定めて告示する標識により、鮮明にしなければならない。

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.

(許可証の備付場所)

(Place Permit must be Kept)

第六条 法第五条第二項の許可証は、船橋内又はこれに準ずる場所に備え付けておかなければならない。

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

(漁獲量の限度の区分)

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

第七条 法第六条第一項の農林水産省令で定める区分は、水産動植物の種類、海域及び外国人の属する外国の別により農林水産大臣が定めるものとする。

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.

(承認に係る水産動植物の採捕の目的)

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

第八条 法第八条の農林水産省令で定める目的は、試験研究及び教育実習とする。

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.

(水産動植物の採捕の承認)

(Approval of Harvest of Aquatic Plants and Animals)

第九条 法第八条の承認を受けようとする外国人は、水産動植物の採捕に係る船舶ごとに、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。

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.

一 承認を申請する外国人の属する外国、氏名又は名称及び住所又は所在地

(i) the foreign state to which the foreign national applying for approval belongs, their name and address or location;

二 申請に係る船舶の名称、船体に標示されている番号、規模及び船長の氏名

(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

三 申請に係る水産動植物の採捕の目的及び方法、対象とする水産動植物の種類及び採捕予定量、採捕予定海域並びに採捕予定期間

(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

四 その他農林水産大臣が別に定める事項

(iv) other matters specified separately by the Minister of Agriculture, Forestry and Fisheries.

(外国人以外の者が行う漁業に係る漁業等付随行為等の承認)

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

第十条 法第九条の承認を受けようとする外国人は、外国人以外の者が行う漁業又は水産動植物の採捕に係る漁業等付随行為（以下単に「漁業等付随行為」という。）に係る船舶ごとに、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。

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").

一 承認を申請する外国人の属する外国、氏名又は名称及び住所又は所在地

(i) the foreign state to which the foreign national applying for approval belongs, their name and address or location;

二 申請に係る船舶の名称、船体に標示されている番号、種類、規模、最大速力、乗組員数、根拠地及び船長の氏名

(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;

三 申請に係る漁業等付随行為の目的及び種類、予定海域並びに予定期間

(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

四 申請に係る漁業等付随行為に係る漁業又は水産動植物の採捕を行う外国人以外の者の氏名又は名称、住所又は所在地並びに当該漁業又は水産動植物の採捕に係る船舶の名称、船体に標示されている番号、種類、規模、最大速力、乗組員数、根拠地及び船長の氏名

(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

五 探索及び集魚に係る申請にあっては、対象となる水産動植物の種類

(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

六 漁獲物の保蔵若しくは加工又は漁獲物若しくはその製品の運搬に係る申請にあっては、対象とする漁獲物又はその製品の種類及びその予定数量

(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

七 船舶への補給に係る申請にあっては、補給するもの及びその予定数量

(vii) In the case of an application pertaining to supply to a vessel, the details of the supply and the planned quantity of it

八 その他農林水産大臣が別に定める事項

(viii) Other matters as specified separately by the Minister of Agriculture, Forestry and Fisheries

(探査の承認)

(Approval of Surveys)

第十一条 法第十条の承認を受けようとする外国人は、探査に係る船舶ごとに、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。

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.

一 承認を申請する外国人の属する外国、氏名又は名称及び住所又は所在地

(i) the foreign state to which the foreign national applying for approval belongs, their name and address or location;

二 申請に係る船舶の名称、船体に標示されている番号、種類、規模、最大速力、乗組員数、根拠地及び船長の氏名

(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;

三 申請に係る探査の目的及び方法、対象とする水産動植物の種類、探査に使用する機器類、予定海域並びに予定期間

(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

四 その他農林水産大臣が別に定める事項

(iv) other matters specified separately by the Minister of Agriculture, Forestry and Fisheries.

(承認の基準)

(Standards for Authorization)

第十二条 農林水産大臣は、法第八条から第十条までの承認の申請があった場合において、それぞれ、当該申請に係る水産動植物の採捕、漁業等付随行為又は探査が海洋生物資源の保護、漁業調整その他公益上の観点から支障がないと認められるときでなければ、法第八条から第十条までの承認をしてはならない。

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.

(試験研究等のための水産動植物の採捕等への準用)

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

第十三条 第二条第二項及び第三条から第六条までの規定は、法第八条から第十条までの承認について準用する。

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.

(停船命令)

(Order to Halt)

第十四条 漁業監督官は、法第十五条の二第一項の規定による検査又は質問をするため必要があるときは、漁業、水産動植物の採捕又は探査に係る船舶の船長、船長の職務を行う者又は操業を指揮する者に対し、停船を命ずることができる。

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 前項の停船命令は、同項の検査又は質問をする旨を告げ、又は表示し、かつ、国際海事機関が採択した国際信号書に規定する次に掲げる信号その他の適切な手段により行うものとする。

(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:

一 信号旗Lを掲げること。

(i) to hoist the signal flag L;

二 サイレン、汽笛その他の音響信号によりLの信号（短音一回、長音一回、短音二回）を約七秒の間隔を置いて連続して行うこと。

(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;

三 投光器によりLの信号（短光一回、長光一回、短光二回）を約七秒の間隔を置いて連続して行うこと。

(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 前項において、「長音」又は「長光」とは、約三秒間継続する吹鳴又は投光をいい、「短音」又は「短光」とは、約一秒間継続する吹鳴又は投光をいう。

(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.

（大陸棚の定着性種族に係る漁業等への準用等）

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

第十五条 第二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。

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.

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

第一条 この省令は、法の施行の日（平成八年七月二十日）から施行する。

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

(漁業水域に関する暫定措置法施行規則の廃止)

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

第二条 漁業水域に関する暫定措置法施行規則（昭和五十二年農林省令第二十八号）は、廃止する。

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.

附 則 〔平成二十六年九月十二日農林水産省令第五十号〕

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

この省令は、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施行令の一部を改正する政令の施行の日（平成二十六年十月一日）から施行する。

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)

附 則 〔平成二十七年二月四日農林水産省令第四号〕

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

この省令は、公布の日から施行する。

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

附 則 〔令和元年十二月四日農林水産省令第四十五号〕

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

この省令は、公布の日から施行する。

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

附 則 〔令和二年七月八日農林水産省令第四十九号〕〔抄〕

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

(施行期日)

(Effective Date)

1 この省令は、漁業法等の一部を改正する等の法律（以下「改正法」という。）の施行の日（令和二年十二月一日）から施行する。

(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).

(経過措置)

(transitional measure)

5 この省令の施行前にした行為及び前項の規定によりなおその効力を有することとされる場合におけるこの省令の施行後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。

(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.

附 則 〔令和四年八月三日農林水産省令第四十六号〕

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

この省令は、公布の日から施行する。

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