

Regulations for Enforcement of the Act on the Regulation of Fishing Operations by Foreign Nationals

(Order of the Ministry of Agriculture and Forestry No. 50 of October 9, 1967)

The Regulations for Enforcement of the Act on the Regulation of Fishing Operations by Foreign Nationals is established as follows pursuant to the provisions of Article 2, paragraph (1) and Article 4, paragraph (1) of the Act on the Regulation of Fishing Operations by Foreign Nationals (Act No. 60 of 1967).

(Annexed Islands Included in Japan)

Article 1 The annexed islands specified by Order of the Ministry of Agriculture, Forestry and Fisheries as referred to in Article 2, paragraph (1) of the Act on the Regulation of Fishing Operations by Foreign Nationals (referred to below as "the Act") are islands that belong to Honshu, Hokkaido, Shikoku, and Kyushu, excluding Habomai Islands, Shikotan Island, Kunashiri Island, and Etorofu Island until otherwise provided for by law.

(Gathering or Catching Aquatic Animals or Plants on Minor Scales)

Article 2 The gathering or catching of aquatic animals or plants on a minor scale as specified by Order of the Ministry of Agriculture, Forestry and Fisheries as stated in the proviso to Article 3 of the Act refers to the following gathering or catching of aquatic animals or plants, which in the cases stated in items (i), (ii), and (iv) are carried out by a vessel with a gross tonnage of less than 3 tons, or without a vessel, or which are carried out by a legitimate foreign resident under the management of a fishery operator with Japanese nationality (including a person that has others gather or catch aquatic animals or plants as a business) using a Japanese vessel with a gross tonnage of 3 tons or more, and which in the case of item (iii) is carried out without a vessel; provided, however, that gathering or catching of aquatic animals or plants stated in item (iv), is limited to gathering or catching conducted in the waters, and during the period separately specified and publicly notified by the Minister of Agriculture, Forestry and Fisheries:

- (i) gathering or catching of aquatic animals or 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 clam shovel;
- (iii) gathering or catching of aquatic animals or plants by using a cast net; or
- (iv) gathering or catching of aquatic animals or plants by using a trolling line.

(Application for Permission to Call at Ports)

Article 3 (1) A captain seeking to obtain permission under the provisions of Article 4, paragraph (1) of the Act must submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries:

- (i) the name and nationality of the captain;
- (ii) the name of the foreign fishing vessel, type, flag state (meaning the State which has the right to fly its flag as prescribed in Article 91, paragraph (2) of the United Nations Convention on the Law of the Sea; the same applies below), gross tonnage, length, width, and draft, the registration number concerning the vessel in a flag state, the identification number of the vessel in the International Maritime Organization, a calling code and a number by which the vessel can be identified from its outside, lines of communication with a foreign fishing vessel, and, if the foreign fishing vessel is registered with an international organization relating to the sustainable use of fishery resources or other international frameworks (referred to below as "international framework"), the number of that registration (referred to below as the "name, etc.");
- (iii) the type of fishing equipment the foreign fishing vessel is equipped with and presence or absence, type, and destination of the information sent by the vessel monitoring system (a device which measures the location of a vessel and transmits the location information using a satellite, and that complies with the following standards; the same applies below) and the national or international framework requiring the vessel to be equipped with the system;
 - (a) the device can measure and record the location of the vessel automatically; and
 - (b) the device can automatically send the following information:
 - 1. information by which the vessel can be identified; and
 - 2. information displaying the position of the vessel and the date and time at that position; and
 - (c) measures have been taken to prevent the information stated in (b) from being altered;
- (iv) the item name, species, conformation, quantity, and loading point (including the place where the fish were gathered or caught) of the catch, etc. with which the foreign fishing vessel was loaded (referred to below as "item name, etc."), and when all or part of the catch, etc., is landed in Japan or transshipped to another vessel, the item name, etc. of the catch, the person that has the authority to give permission to that foreign fishing vessel to conduct fishing operations, the effective period, permission number, and operation area, species and fishing equipment concerning that permission (referred to below as "contents of fishing operations, etc.");

- (v) when transshipping a catch, etc. from the foreign fishing vessel to another vessel or loading the foreign fishing vessel with that catch etc. from another vessel, the area and date, name of the other vessel, flag state, and the identification number for the vessel of the International Maritime Organization or another number by which the other vessel and item name, etc. of the catch, etc. can be identified;
 - (vi) the name, nationality, and address of the owner of the foreign fishing vessel or another person that has the right to use that foreign fishing vessel (if the person is a corporation or other entity, the name, location of the head office or principal office, and name of the representative; referred to below as "name, etc.");
 - (vii) the name and location of a Japanese port when having the foreign fishing vessel call at the port;
 - (viii) the date and time and period when seeking to have the foreign fishing vessel call at the Japanese port and the purpose of the call; and
 - (ix) the name and location of the last port which the captain had the foreign fishing vessel call at before that port call, and the date of entry and departure and name and location of the next port which the captain seeks to have the foreign fishing vessel call at, and the purpose of the visit to that port.
- (2) A document stating the following matters must be attached to the written application referred to in the preceding paragraph.
- (i) information indicating that the foreign fishing vessel has effective permission to conduct fishing operations issued by the flag state of the vessel, which is necessary when it is used for fishing operations or transporting catches, etc. from fishing grounds;
 - (ii) when the foreign fishing vessel is used for fishing operations or transporting catches, etc. within waters under the sovereign power or jurisdiction of a coastal state (excluding the flag state; the same applies below in this item), information indicating that the foreign fishing vessel has the permission required by and effective in the coastal state to conduct fishing operations in those cases;
 - (iii) if a catch, etc. with which the foreign fishing vessel is loaded is gathered or caught within a water area under the sovereign power or jurisdiction of a coastal state, information indicating that the catch, etc. has not been gathered or caught in violation of measures taken by that coastal state for appropriate preservation and management of fishery resources;
 - (iv) if the catch, etc. loaded on the foreign fishing vessel is subject to the application of measures decided by an international framework for appropriate preservation and management of fishery resources, a statement indicating that the catch, etc. has not been gathered or caught in violation of

those measures; and

- (v) beyond the information stated in the preceding items, any information indicating that the foreign fishing vessel is not engaged in conduct which is the reason why Japan has decided to prohibit calls at Japanese ports, or to take any other necessary measures based on an international framework.

(Application for Permission for Transshipping Catches)

Article 4 (1) The captain of a foreign fishing vessel seeking to be excluded from the application of the provisions of Article 6, paragraph (1) of the Act by obtaining the permission under the provisions of Article 4, item (ii) of the Order for Enforcement of the Act on Regulation of Fishing Operation by Foreign Nationals (referred to below as the "Order") must submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries:

- (i) the names and nationalities of the foreign fishing vessel and other vessel, or the name of the captain of the other foreign fishing vessel;
- (ii) the names, etc. of the foreign fishing vessel and the other vessel or the other foreign fishing vessel;
- (iii) the type of the foreign fishing vessel and other vessel (limited to a foreign fishing vessel; the same applies below in this item and the following item) or fishing equipment possessed by the other foreign fishing vessel, the existence or absence, type, destination of the information that is sent by the vessel monitoring system and the country or international framework requiring the foreign fishing vessel, and the other vessel or other foreign fishing vessel to have that equipment installed;
- (iv) the item name, etc. of the catch, etc. loaded on the foreign fishing vessel and the other vessel or other foreign fishing vessels, and the contents, etc. of the fishing operations of the foreign fishing vessel, and other foreign fishing vessels;
- (v) the names of the owners of the foreign fishing vessel and the other vessel or other foreign fishing vessel, and other persons that have the rights to use the foreign fishing vessel or the other vessel, or the other foreign fishing vessels;
- (vi) the name of the catch, its destination, and the name of the owner of that catch;
- (vii) when a catch, etc. is transshipped from the foreign fishing vessel to another vessel or that foreign fishing vessel is loaded with a catch, etc. from another vessel, the area and date, the name, flag state, and the identification number for the vessel of the International Maritime Organization or any other information by which that other vessel, and the name, etc. of that catch, etc. can be identified; and
- (viii) the name and the location of the last port which the captain had the

- foreign fishing vessel and the other vessel, or other foreign fishing vessel call at before transshipping, or being loaded with a catch, etc., and the date of entry and departure and the name and location of the next port which the captain seeks to have the foreign fishing vessel and the other vessel or other foreign fishing vessel call at, and the purpose of the visit to that port.
- (2) A document stating the following matters in the items of the paragraph (2) of the preceding Article must be attached to the written application referred to in the preceding paragraph.
- (3) The captain of a vessel other than a foreign fishing vessel seeking to be excluded from the application of the provisions of Article 6, paragraph (2) of the Act by obtaining the permission under the provisions of Article 4, item (ii) of the Order must submit a written application to the Minister of Agriculture, Forestry and Fisheries stating the following matters:
- (i) the names and nationalities of the captains of the vessel and the foreign fishing vessel;
 - (ii) the names, etc. of the vessel and the foreign fishing vessel;
 - (iii) the type of fishing equipment the foreign fishing vessel is equipped with, and the existence or nonexistence, type, destination of information that is sent by the vessel monitoring system, and the country or international framework requiring the installation of that equipment on the foreign fishing vessel;
 - (iv) the item name, etc. of the catch, etc. with which the foreign fishing vessel was loaded and the contents of the fishing operations of that foreign fishing vessel;
 - (v) the names, etc. of the owners of the vessel and foreign fishing vessel, and the persons with the right to use the vessel and foreign fishing vessel;
 - (vi) the item name, etc. of the catch, etc., the destination, and the name, etc. of the owner of that catch;
 - (vii) the name and the location of the last port where the captain had the vessel and foreign fishing vessel call at before being loaded with the catch, etc., and the date of entry and departure and the name and location of the next port where the captain seeks to have the vessel and foreign fishing vessel call at, and the purpose of the visit to that port.
- (4) The captain of a vessel other than a foreign fishing vessel seeking an exemption from the application of the provisions of Article 6, paragraph (3) of the Act by obtaining permission under the provisions of Article 4, item (ii) of the Order must submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries:
- (i) the matters stated in items (i) through (vi) of the preceding paragraph;
 - (ii) the name and location of the last port which the captain had the vessel call at (excluding Japanese ports) before landing or transshipping the catches,

etc., and the date of entry and departure and the name and location of the next port which the captain seeks to have the vessel call at, and the purpose of the visit to that port; and

- (iii) the name and location of the last port which the captain had the foreign fishing vessel call at before loading the catches, etc., and the date of entry and departure and the name and location of the next port which the captain seeks to have the foreign fishing vessel call at, and the purpose of the visit to the port.

(Order to Stop the Vessel)

Article 5 (1) An authorized fisheries supervisor may order the captain, or the person performing the duties of the captain, or commanding the operation of a vessel involved in fishing operations, gathering or catching aquatic animals or plants, involved in preparatory actions for gathering or catching or involved in exploration, to stop the vessel when it is necessary to carry out an inspection or interview under the provisions of Article 6-2, paragraph (1) of the Act.

- (2) The order to stop the vessel referred to in the preceding paragraph is to be issued by announcing or indicating that an inspection or interview will be conducted as referred to in the preceding paragraph, and by using the following signals, or other appropriate means which are provided for in the International Code of Signals adopted by the International Maritime Organization:

- (i) to hoist the signal flag L;

- (ii) to continuously give the L signal (one short sound, one prolonged sound and two short sounds) by a siren, whistle, or other acoustic signal at intervals of approximately seven seconds; or

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

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

Supplementary Provisions

This Ministerial Order comes into effect on the date on which the Act comes into effect (October 12, 1967).

Supplementary Provisions [Order of the Ministry of Agriculture and Forestry No. 26 of May 1, 1968]

This Ministerial Order comes into effect on May 10, 1968.

Supplementary Provisions [Order of the Ministry of Agriculture and Forestry No. 46 of June 26, 1968]

This Ministerial Order comes into effect on the date of promulgation.

Supplementary Provisions [Order of the Ministry of Agriculture and Forestry No. 29 of May 13, 1972 Extract] [Extract]

This Ministerial Order comes into effect on the date on which the Act on the Amendment and Repeal of the Relevant Laws and Regulations Accompanying the Reversion of Okinawa comes into effect (May 15, 1972).

Supplementary Provisions [Order of the Ministry of Agriculture and Forestry No. 28 of June 17, 1977 Extract] [Extract]

(Effective Date)

- (1) This Ministerial Order comes into effect on the date on which the Act comes into effect (July 1, 1977).

Supplementary Provisions [Order of the Ministry of Agriculture and Forestry No. 49 of July 5, 1978 Extract] [Extract]

Article 1 This Ministerial Order comes into effect on the date of promulgation.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries No. 5 of January 31, 2000 Extract] [Extract]

(Effective Date)

Article 1 This Ministerial Order comes into effect on April 1, 2000.

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

This Ministerial Order comes into effect on the date of promulgation.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries No. 50 of July 21, 2016]

This Ministerial Order comes into effect on the date on which the Cabinet Order Partially Amending the Order for Enforcement of the Act on Regulation of

Fishing Operation by Foreign Nationals comes into effect (August 20, 2016).

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries No. 1 of January 5, 2017]

This Ministerial Order comes into effect on the day on which thirty days have passed from the date 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 on the date on which the Act for Partially Amending the Fishery Act (referred to below as the "Amendment Act") comes into effect (December 1, 2020).

(Transitional Measures)

- (5) Prior laws continue to govern for the application of penal provisions to acts committed before this Ministerial Order comes into effect, and acts committed after this Ministerial Order comes into effect, if the provisions then in force remain in force pursuant to the provisions of the preceding paragraph.

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

This Ministerial Order comes into effect on the date of promulgation.