

Order for Enforcement of the Act on the Exercise of Sovereign Rights on Fishing Operations in the Exclusive Economic Zone is hereby promulgated.

## **Order for Enforcement of the Act on the Exercise of Sovereign Rights on Fishing Operations in the Exclusive Economic Zone**

(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 Sovereign Rights on Fishing Operations in the Exclusive Economic Zone (Act No. 76 of 1996).

(Application of Laws and Regulations Regarding Fishing Operations by Foreign Nationals in Exclusive Economic Zone)

Article 1 The laws specified by Cabinet Order referred to in Article 3, paragraph (2) of the Act on the Exercise of Sovereign Rights on Fishing Operations in the Exclusive Economic Zone (referred to below as "the Act") are as follows:

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

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

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

- (i) if the fish catches or products made from them are foreign shipped catches (meaning the foreign shipped catches prescribed in Article 4, paragraph (1), item (ii) of the Act on the Regulation of Fishing Operations by Foreign Nationals (Act No. 60 of 1967));
- (ii) if the fish catches or products made from them relate to the specified import approval (meaning the specified import approval prescribed in Article 2 of the Order for Enforcement of the Act on the Regulation of Fishing Operations by Foreign Nationals (Cabinet Order No. 325 of 1967));
- (iii) if transshipment is made from a vessel other than a foreign fishing vessel (meaning the foreign fishing vessel prescribed in Article 2, paragraph (7) of the Act on the Regulation of Fishing Operations by Foreign Nationals; the same applies in the following item) to another vessel;
- (iv) if loading is made from a vessel other than a foreign fishing vessel; and
- (v) beyond the cases listed in the preceding items, if 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 fishing operations

(Standards for License)

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

(Hearing of Opinions)

Article 4 When intending to specify the limit for the quantity of fish catches referred to 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 (simply referred to below as "the exclusive economic zone") (excluding the prohibited sea area prescribed in Article 4, paragraph (1) of the Act; the same applies below in this Article), the situation of fishing operations by foreign nationals in the exclusive economic zone, and Japan's fishing operations in the surrounding waters of foreign countries and others.

(Amount of Fishing Fees)

- Article 5 (1) The amount of fishing fees specified by Cabinet Order referred to in Article 7, paragraph (1) of the Act is to be the amount obtained by multiplying the quantity of aquatic animals or plants which the foreign nationals who have obtained the permission referred to in Article 5, paragraph (1) of the Act may gather or catch based on the permission by the unit price of fishing fees.
- (2) The unit price of fishing fees referred to in the preceding paragraph is to be determined by the Minister of Agriculture, Forestry and Fisheries for each foreign state to which the foreign nationals belong, for each type of aquatic animal or plant, and for each period as prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, based on the transaction prices of the relevant aquatic animal or plant (defined as the transaction prices of the relevant aquatic animal or plant 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 animal or plant.
- (3) If it is particularly necessary based on reciprocity with the foreign state to which the foreign national who has obtained the permission referred to in Article 5, paragraph (1) of the Act belongs or if there are other equivalent

special reasons, notwithstanding the provisions of paragraph (1), fishing fees may not be collected, or fishing 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 that paragraph.

(Amount of Fees)

Article 6 (1) The amount of fees specified by Cabinet Order referred to in Article 11, paragraph (1) of the Act is 9,600 yen per application for the approval referred to in Articles 8 through 10 of the Act (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 the 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 faithfully fulfill obligations under the treaties or other international agreements concluded by Japan;
- (ii) if there is a special reason based on reciprocity with the foreign state to which the foreign national who seeks approval belongs or if there are other equivalent special reasons; or
- (iii) if gathering or catching of aquatic animals or plants, acts incidental to fishing, or surveys that the foreign national who seeks approval intends to carry out are particularly necessary to contribute to the development of Japanese fishing operations 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 fishing 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 Concerning Fishing Operations and the Others  
Regarding 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 Article apply mutatis mutandis to fishing operations, gathering or catching of aquatic animals or plants (excluding those acts falling under fishing operations, and including acts incidental to fishing operations; the same applies in Article 2 of the Supplementary Provisions) and surveys regarding fixative species in the area which is on 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 Referred to in Article 24, Paragraph (1) of the Act)

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

(Regulating Officers)

Article 10 The person specified by Cabinet Order referred to in Article 24, paragraph (1) of the Act is an authorized fishery supervisor, coast guard officer, and police officer

(Standards on the Amount of Bond)

Article 11 The standard referred to 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 the violation, the number of violations committed, and other factors.

(Provision of Bond)

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

- (i) the bond must be provided in the Japanese currency by the violator or the master of a vessel related 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 the day on which a notification was made under the provisions of Article 24, paragraph (1) of the Act (if a law-enforcement officer finds that compelling circumstances exist and extends that period for

- up to 20 days counting from the day after the day on which that notification was made, within the period so extended); or
- (ii) a letter of guarantee that meets the following requirements must be provided within the period referred to in the preceding item:
- (a) the 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 the day 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; and
- (b) a person who provides a bond related to that letter of guarantee must fall under the person prescribed in the preceding item.
- (2) If the last day of the period referred to in item (i) and item (ii), (a) of the preceding paragraph falls on a Sunday, Saturday, or a holiday prescribed in the Act on National Holidays (Act No. 178 of 1948), or 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 referred to in Article 24, paragraph (1), Article 25, paragraph (1), Article 26, paragraph (1) of the Act, and paragraph (1) of the preceding Article are the Minister of Agriculture, Forestry and Fisheries regarding incidents related to authorized fishery supervisors, the Minister of Land, Infrastructure, Transport and Tourism with regard to incidents related to coast guard officers, and the Prime Minister regarding incidents related to police officers; and, the competent minister referred to in Article 24, paragraph (2) of the Act is the Minister of Agriculture, Forestry and Fisheries, the Minister of Land, Infrastructure, Transport and Tourism, or the Prime Minister.
- (2) The order of the competent ministry referred to in Article 17, paragraph (2) of the Act is Order of the Ministry of Agriculture, Forestry and Fisheries, Order of the Ministry of Land, Infrastructure, Transport and Tourism, or Cabinet Office Order.

### **Supplementary Provisions [Extract]**

(Effective Date)

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

(Special Provisions for Application)

- Article 2 The provisions in Articles 5 through 13 of the Act do not apply to the

fishing operations, gathering or catching of aquatic animals or plants, or surveys that are conducted by the foreign nationals listed in the middle column of the following 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 Fishing Waters)

Article 3 Order for Enforcement of the Act on Temporary Measures Concerning Fishing 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 on the effective date of the Agreement Between Japan and the Republic of Korea Related to Fishery.

(Repeal of the Cabinet Order on the Establishment of the Sea Area Related to Fishery Under 1 of Article 1 of the Agreement Between Japan and the Republic of Korea Related to Fishery)

Article 2 The Cabinet Order on the Establishment of the Sea Area Related to Fishery Under 1 of Article 1 of the Agreement Between Japan and the Republic of Korea Related to Fishery (Cabinet Order No. 373 of 1965) is abolished.

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

This Cabinet Order comes into effect on the effective date of the Agreement Between Japan and the People's Republic of China Related to Fishery.

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

(Effective Date)

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

(Transitional Measures Concerning Penal Provisions)

- (2) Prior laws and regulations continue to govern the application of the penal provisions to an act conducted before this Cabinet Order comes into effect

**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 on the effective date of the Act Partially Amending the Act on the Regulation of Fishing Operations by Foreign Nationals and the Act on the Exercise of Sovereign Rights on Fishing Operations in the Exclusive Economic Zone.

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

(Effective Date)

- (1) This Cabinet Order comes into effect on the date of promulgation.

(Transitional Measures)

- (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 of Sovereign Rights on Fishing Operations in the Exclusive Economic Zone amended by this Cabinet Order apply to fishing fees to be paid pursuant to the provisions of Article 7, paragraph (1) of the Act on the Exercise of Sovereign Rights on Fishing Operations in the Exclusive Economic Zones (including when applied mutatis mutandis pursuant to Article 14, paragraph (1) of the Act) and the fees to be paid pursuant to the provisions of Article 11, paragraph (1) of that Act (including when applied mutatis mutandis pursuant to Article 14, paragraph (1) of that Act) by each person who files an application for the permission stated in Article 5, paragraph (1) of that Act (including when applied mutatis mutandis pursuant to Article 14, paragraph (1) of that Act) or the approval stated in Article 8 through Article 10 of that Act (including when these

provisions are applied mutatis mutandis pursuant to Article 14, paragraph (1)) on or after the effective date of this Cabinet Order.