

Regulations for Enforcement of the Act on the Exercise of Sovereign Rights on Fishing Operations in the Exclusive Economic Zone

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

The Regulations for Enforcement of the Act on the Exercise of Sovereign Rights on Fishing Operations in the Exclusive Economic Zone is established as follows 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 Sovereign Rights on Fishing Operations in the Exclusive Economic Zone (Act No. 76 of 1996).

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

Article 1 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 4, paragraph (1) of the Act on the Exercise of Sovereign Rights on Fishing Operations in the Exclusive Economic Zone (referred to below as "the Act") is to be the following gathering or catching of aquatic animals or plants, which in the cases stated in items (i) and (ii) are carried out by a vessel with a gross tonnage of less than 3 tons, 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; the same applies below in this Article) using a Japanese vessel with a gross tonnage of 3 tons or more, and which in the case of item (iii) is carried out by a legitimate foreign resident under the management of a fishery operator 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 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; or
- (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 stated in Article 5, paragraph (1) of the Act must submit a written application stating the following matters to the Minister of Agriculture, Forestry and Fisheries

with regard to the vessel undertaking fishing or gathering or catching of aquatic animals or plants (excluding those permissions falling under fishing operations and including acts incidental to fishing; the same applies below).

- (i) the foreign state to which the foreign national applying for permission belongs, and the name and address or location of the person;
 - (ii) the name of the vessel related 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 captain of the vessel;
 - (iii) the method of fishing or gathering or catching of aquatic animals or plants which is the subject of the application, the kind of target aquatic animals or plants, the planned quantity of fish catches, the planned sea area for operation, and the planned period of operation; and
 - (iv) other matters specified separately by the Minister of Agriculture, Forestry and Fisheries.
- (2) In addition to the written application stated 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 Permit)

- Article 4 (1) When having lost or damaged a permit, any foreign national who has been granted the permission stated in Article 5, paragraph (1) of the Act must promptly apply for reissuance of the permit to the Minister of Agriculture, Forestry and Fisheries, indicating the reason for the application.
- (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 of Permission Granted)

Article 5 The statement that a permit has been granted referred to in paragraph (1) of Article 5 under the provisions of the 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.

(Fixed Locations of Permits)

Article 6 The permit stated in Article 5, paragraph (2) of the Act must be kept on

the bridge or other equivalent location.

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

Article 7 The categories specified by Order of the Ministry of Agriculture, Forestry and Fisheries stated 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 states to which foreign nationals belong.

(Purposes of Gathering or Catching of Aquatic Animals or Plants Related to Approval)

Article 8 The purposes specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 8 of the Act are testing and research as well as practice teaching.

(Approvals of Gathering or Catching of Aquatic Animals or Plants)

Article 9 Any foreign national who seeks the approval referred to 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 related to the gathering or catching of aquatic animals or plants.

- (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 captain of the vessel;
- (iii) The purpose and method of gathering or catching of aquatic animals and plants related to the application, the kind of target aquatic animals or plants, the planned quantity of gathering or catching, the planned sea area for gathering or catching, and the planned period of gathering or catching; and
- (iv) other matters specified separately by the Minister of Agriculture, Forestry and Fisheries.

(Approvals of Acts Incidental to Fishing Operations Related to Fishing Operations Conducted by Persons Other Than Foreign Nationals)

Article 10 Any foreign national who seeks the approval referred to 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 related to the fishing operations or the acts incidental to fishing operations related to gathering or catching of aquatic animals or plants by persons other than foreign nationals (referred to below simply as "acts incidental to fishing operations").

- (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 related 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 captain of the vessel;
 - (iii) the purpose and type of the acts incidental to fishing operations to which the application relates, 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 fishing operations or the gathering or catching of aquatic animals or plants related to the acts incidental to the fishing to which the application relates, and the name of the vessel related to that fishing or gathering or catching of aquatic animals or plants, 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 captain of the vessel;
 - (v) in the case of an application related to searches for fish and the collection of fish, the kind of target aquatic plants and animals;
 - (vi) in the case of an application related 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 their planned quantity;
 - (vii) in the case of an application related to supply to a vessel, the details of the supply and its planned quantity; and
 - (viii) other matters specified separately by the Minister of Agriculture, Forestry and Fisheries.

(Approvals of Surveys)

Article 11 Any foreign national who seeks the approval referred to 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 subject to 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 vessel related 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 captain of the vessel;
- (iii) the purpose and method of the survey to which the application relates, the kind of target aquatic plants and animals, equipment used for the survey, the planned sea area for operation, and the planned period; and
- (iv) other matters specified separately by the Minister of Agriculture, Forestry and Fisheries.

(Standards for Approval)

Article 12 When an application for approval referred to in Articles 8 through 10 of the Act has been made, the Minister of Agriculture, Forestry and Fisheries must not grant the approval referred to in Articles 8 through 10 of the Act unless the gathering or catching of aquatic plants and animals, the acts incidental to fishing operations or the surveys related to that application do not hinder the protection of living marine resources, the adjustment of the fishing activities, or other public interests.

(Application Mutatis Mutandis to Gathering or Catching of Aquatic Animals or Plants for Test and Research Purposes)

Article 13 The provisions of Article 2, paragraph (2) and Article 3 through Article 6 apply mutatis mutandis to the approval referred to in Article 8 through Article 10 of the Act.

(Orders to Stop Vessels)

Article 14 (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 of aquatic animals or plants, or involved in exploration, to stop the vessel when it is necessary to carry out an inspection or interview under the provisions of Article 15-2, paragraph (1) of the Act.

(2) The order to stop a vessel referred to in the preceding paragraph is to be issued by announcing or indicating that an inspection or interview will to 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 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; or

(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 floodlighting for 3 seconds, "short sound" or "short light" refers to the action of continuously making a sound or floodlighting for about 1 second.

(Mutatis Mutandis Application to Fishing Operations Related to Fixative Species on the Continental Shelf)

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

mutatis mutandis to the fishing operations, gathering or catching of aquatic animals or plants, and surveys related 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 stated in the middle column of the following table which are used in the provisions stated in the left-hand column of that table are to be deemed to be replaced with the terms and phrases stated in the right-hand column of that table.

Supplementary Provisions

(Effective Date)

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

(Repeal of the Regulations for Enforcement of the Act on Temporary Measures Concerning Fishing Waters)

Article 2 The Regulations for Enforcement of the Act on Temporary Measures Concerning Fishing 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 on the effective date of the Act Partially Amending the Order for Enforcement of the Act on the Exercise of Sovereign Rights on Fishing Operations 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 on the date 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 on 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 and Other Laws (referred to below as the "Amendment Act") comes into effect (December 1, 2020).

(Transitional Measures)

- (5) With regard to the application of penal provisions to acts committed before the enforcement of this Ministerial Order and acts committed after the enforcement of this Ministerial Order when the provisions then in force remain in force pursuant to the provisions of the preceding paragraph, prior laws and regulations continue to govern.

**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.