

Outline of the Act Partially Amending the Fishery Act

Overview of the Act

While fishery has the mission to supply marine products to the citizens, factors such as the reduction of fishery resources have led to a long-term declining trend concerning the amount of production and the number of fishery managers. On the other hand, the fishing grounds neighboring Japan are among the largest in the world, and the potential of its fishery is large.

In order to achieve both the appropriate resource control and the development of the fisheries as a growth industry, measures concerning resource control, and a basic system related to fishery production such as permissions and licenses of fishery, etc. will be reviewed in an integrated manner.

Outline of the Amendments

I Amendment of the Fishery Act (Note: the Act on Conservation and Management of Living Marine Resources (TAC Act) is integrated into the Fishery Act)

(1) Establishment of A New Resource Control System

Objectives will be established based on scientific grounds, and resource will be maintained and recovered

[Basic Principle of Resource Control]

- Resource control is based on the resource evaluation, and conducted through control based on the Total Allowable Catch (TAC), followed by the basis of maintenance and recovery at a sustainable resource level (Article 8)
- TAC control is conducted on the basis of control through individual allocation of allowable catches (IQ) (If the IQ has not been ready, the control is to be based on the total catch in a control division) (Article 8)

[Determination of the Total Allowable Catch (TAC)]

- The Minister of Agriculture, Forestry and Fisheries specifies the objectives for resource control, and determines the total allowable catch in order to recover the resources to the level of the objectives

[Individual Allocation of Allowable Catches (IQ)]

- The Minister of Agriculture, Forestry and Fisheries or the prefectural governor takes into consideration the catch record, etc., and determines the individual quota for each ship, etc. (Article 17)
- The transfer of the individual quota is limited to certain cases, such as the transfer of a ship (Article 22)

(2) Review of the Fishery Permission System That Contributes to the Improvement of Productivity

Improve competitiveness and realize fishery aboard fishing boats that is attractive to young people

- Toward improvement of the safety and livability of a fishing boat, regulations related to the size of a ship will be reviewed (Article 43)
- Review the permission system, and promote the acceptance of new permissions as needed (Article 42)
- A person who has obtained a permission is to take responsibility for appropriate resource control/productivity improvement. Reporting of information, etc. related to fishery production will be required (Article 52)

(3) Review of the Sea Usage System That Contributes to the Development of Aquaculture/Coastal Fishery

Review to achieve the appropriate/effective use of water areas will be conducted

[Making the Process of Formulating the Sea-area Fishing Ground Plan Transparent]

- Regarding a draft of the plan, the prefectural governor will hear the opinions of a fishery manager and a person, etc. who intends to be engaged in fishery, and make public the results after considering the opinions
- In order to make maximum use of the sea, the prefectural governor will prescribe the contents, etc. of fishery rights in the Sea-area Fishing Ground Plan (Article 62 through Article 64)

[Decisions of the Persons Granting Fishery Rights]

- If a person that possesses existing fishery rights uses fishing grounds appropriately and effectively, the person will be granted a license. If no existing fishery rights have been granted, a license will be granted to the person who makes the biggest contribution to the development of the regional fisheries (The statutory order of priority will be abolished) (Article 73)

[Promotion of Appropriate/Effective Use of Fishing Grounds]

- In addition to taking responsibility for the appropriate/effective use of fishing grounds, the fishery rights holder will also be required to report information related to use of the fishing grounds (Article 74, Article 90)

[Coastal Fishing Ground Management]

- A fishery cooperative, etc., after having been designated by the prefecture, will introduce a framework to conduct conservation activities for coastal fishing grounds (Article 109 through Article 116)

(4) Revitalization of Fishing Villages and the Fulfillment of Multifunctionality

In light of the multifunctionality possessed by fishery and a fishing village, the national government and the prefectural government are to take sufficient care for the sound conduct of the activities of a fishery manager, etc., and the revitalization of a fishing village (Article 174)

(5) Other Items

- The Sea-area Fisheries Adjustment Commission will keep its character of being an administrative committee centered around representatives of fishery managers. The framework for the selection of the fishery manager commission member will be changed from public election to appointment by the prefectural governor with the consent of the assembly (Article 138))
- The penalties for poaching will be strengthened (Article 132, Article 189)

II Amendment of the Fishery Industry Cooperative Act

Together with the reform of the fisheries, the fishery cooperative system will also be reviewed

By appointing a sales professional to an officer and introducing an audit by a certified public accountant, efforts will be made to strengthen the business and management foundation.

漁業法等の一部を改正する等の法律の概要

趣 旨

漁業は、国民に対し水産物を供給する使命を有しているが、水産資源の減少等により生産量や漁業者数は長期的に減少傾向。他方、我が国周辺には世界有数の広大な漁場が広がっており、漁業の潜在力は大きい。適切な資源管理と水産業の成長産業化を両立させるため、資源管理措置並びに漁業許可及び免許制度等の漁業生産に関する基本的制度を一体的に見直す。

改正の概要

I 漁業法の改正（※海洋生物資源の保存及び管理に関する法律（TAC法）を漁業法に統合）

（１）新たな資源管理システムの構築

科学的根拠に基づき目標設定、資源を維持回復

【資源管理の基本原則】

- ・資源管理は、資源評価に基づき、漁獲可能量(TAC)による管理を行い、持続可能な資源水準に維持・回復させることが基本（第8条）
- ・TAC管理は、個別の漁獲割当て（IQ）による管理が基本（IQの準備が整っていない場合、管理区分における漁獲量の合計で管理）（第8条）

【漁獲可能量（TAC）の決定】

- ・農林水産大臣は、資源管理の目標を定め、その目標の水準に資源を回復させるべく、漁獲可能量を決定（第11条）

【漁獲割当て（IQ）】

- ・農林水産大臣又は都道府県知事は、漁獲実績等を勘案して、船舶等ごとに漁獲割当てを設定（第17条）
- ・割当量の移転は、船舶の譲渡等、一定の場合に限定（第22条）

（２）生産性の向上に資する漁業許可制度の見直し

競争力を高め、若者に魅力ある漁船漁業を実現

- ・漁船の安全性、居住性等の向上に向けて、船舶の規模に係る規制を見直し（第43条）
- ・許可体系を見直し、随時の新規許可を推進（第42条）
- ・許可を受けた者には、適切な資源管理・生産性向上に係る責務を課す。漁業生産に関する情報等の報告を義務付け（第52条）

（３）養殖・沿岸漁業の発展に資する海面利用制度の見直し

水域の適切・有効な活用を図るための見直しを実施

【海区漁場計画の策定プロセスの透明化】

- ・都道府県知事は、計画案について、漁業者や漁業を営もうとする者等の意見を聴いて検討し、その結果を公表
- ・知事は海面が最大限に活用されるよう漁業権の内容等を海区漁場計画に規定（第62条～第64条）

【漁業権を付与する者の決定】

- ・既存の漁業権者が漁場を適切かつ有効に活用している場合は、その者に免許。既存の漁業権がない等の場合は、地域水産業の発展に最も寄与する者に免許（法定の優先順位は廃止）（第73条）

【漁場の適切・有効な活用の促進】

- ・漁業権者には、その漁場を適切・有効に活用する責務を課すとともに、漁場活用に関する情報の報告を義務付け（第74条、第90条）

【沿岸漁場管理】

- ・漁協等が都道府県の指定を受けて沿岸漁場の保全活動を実施する仕組みを導入（第109条～第116条）

（４）漁村の活性化と多面的機能の発揮

国及び都道府県は、漁業・漁村が多面的機能を有していることに鑑み、漁業者等の活動が健全に行われ、漁村が活性化するよう十分配慮（第174条）

（５）その他

- ・海区漁業調整委員会について、漁業者代表を中心とする行政委員会との性質を維持。漁業者委員の公選制を知事や議会の同意を得て任命する仕組みに見直し（第138条）
- ・密漁対策のため罰則を強化（第132条、第189条）

II 水産業協同組合法の改正

水産改革に合わせた漁協制度の見直し

販売のプロの役員への登用、公認会計士監査の導入等により事業・経営基盤の強化を図る。