

Act on Preservation and Control of Living Marine Resources

(Act No. 77 of June 14, 1996)

(Purpose)

Article 1 The purpose of this Act shall be to preserve and control the living marine resources in Japan's exclusive economic zone, etc. in coordination with the measures, etc. taken under the Fishery Act (Act No. 267 of 1949) and the Marine Resources Protection Act (Act No. 313 of 1951), as well as to ensure the appropriate implementation of the United Nations Convention on the Law of the Sea, for thereby contributing to the development of fisheries and the stable supply of aquatic products, by establishing a plan for the preservation and control of living marine resources in Japan's Exclusive Economic Zone, etc. and by taking the required measures to control the fish catch and the fishing effort.

(Definitions, etc.)

Article 2 (1) In this Act, "the Exclusive Economic Zone, etc." shall mean the exclusive economic zone, territorial seas, inland waters for water supply and agricultural water (excluding inland waters for fisheries), and the continental shelf (referring to the continental shelf provided in Article 2 of Act on the Exclusive Economic Zone and the Continental Shelf (Act No. 74 of 1996)) of Japan.

(2) In this Act, the "total allowable catch" shall mean the maximum limit of the annual quantity of each type of living marine resources of which may be gathered or caught in the Exclusive Economic Zone, etc.

(3) In this Act, the "fishing effort" shall mean the amount of fishing carried for catching living marine resources, with said amount being expressed for each mode of gathering or catching by the number of fishing days and by other indicators provided by Ordinance of Ministry of Agriculture, Forestry and Fisheries.

(4) In this Act, the "total allowable effort" shall mean the maximum limit of the total annual fishing effort in the Exclusive Economic Zone, etc. for each type of living marine resources and for the mode of gathering or catching to which each such type is subject, and in the cases where each type of living marine resources are controlled based on the fishing effort within designated areas of the sea or designated periods of time in relation to a mode of gathering or catching, this shall mean the maximum limit of the total annual fishing effort for each such mode of gathering or catching each type of living marine resources, etc.

- (5) In this Act, "specified living marine resources" shall mean Class I specified living marine resources and Class II specified living marine resources.
- (6) In this Act, "Class I specified living marine resources" shall mean living marine resources which are appropriate to preserve and control in reference to the total allowable catch decided, etc. for the exclusive economic zone, etc. and which are specified by Cabinet Order.
- (7) In this Act, "Class II specified living marine resources" shall mean living marine resources which are appropriate to preserve and control in reference to the total allowable effort decided, etc. for the exclusive economic zone, etc. and which are specified by Cabinet Order.
- (8) When the Minister of Agriculture, Forestry and Fisheries plans to establish, revise, or abolish Cabinet Orders set forth in the preceding two paragraphs, he/she shall first hear the opinion of the Fisheries Policy Council.

(Basic Plan)

Article 3 (1) The Minister of Agriculture, Forestry and Fisheries shall establish a basic plan on the preservation and control of living marine resources (hereinafter referred to as "the Basic Plan") for preserving and controlling living marine resources in the exclusive economic zone, etc.

(2) The Basic Plan shall prescribe the following matters:

- (i) Basic policy concerning the preservation and control of living marine resources;
- (ii) Matters concerning the trends in each of the specified living marine resources;
- (iii) Matters concerning the total allowable catch of each Class I specified living marine resources;
- (iv) Matters concerning the quantities of the total allowable catch under the preceding item for each category of fisheries from among designated fisheries as provided in paragraph (1) of Article 52 of the Fishery Act, fisheries requiring an action such as permission from the Minister of Agriculture, Forestry and Fisheries pursuant to Ordinance of the Ministry of Agriculture, Forestry and Fisheries based on the provisions of paragraph (1) or (2) of Article 65 of the same Act, or paragraph (1) or (2) of Article 4 of Aquatic Resource Protection Act, and fisheries as provided in any other Ordinance of the Ministry of Agriculture, Forestry and Fisheries (hereafter referred to as "designated fisheries, etc.");
- (v) From among quantities as set forth in the preceding item, matters concerning quantities by fishing area or by fishing period, in the case where such categories are designated;
- (vi) Matters concerning the quantities of total allowable catch under item (iii) (excluding the quantities under item (iv) and amounts pertaining to the

- gathering or catching of Class I specified living marine resources by persons as provided by Cabinet Order) for each prefecture that has the sea within its borders (hereinafter simply referred to as "prefectures");
- (vii) Matters concerning measures to be implemented for the quantities under item (iv) (or the quantities listed in item (v) in the case where such categories are designated; hereinafter referred to as "quantity control by the Minister");
 - (viii) Matters concerning the modes of gathering or catching subject to control based on fishing effort for each Class II specified living marine resource, and the sea area, period, and total allowable effort for each of said modes of gathering or catching;
 - (ix) Matters concerning the amount of total allowable effort under the preceding item for the categories of designated fisheries, etc. (limited to modes of gathering or catching that are subject to control in reference to any fishing effort) (hereinafter referred to as "fishing effort control by the Minister");
 - (x) Matters concerning the amount of total allowable effort under item (viii) (excluding fishing effort control by the Minister) by prefecture;
 - (xi) Matters concerning the measures to be implemented in regards to fishing effort control by the Minister; and
 - (xii) Other important matters concerning the preservation and control of living marine resources.
- (3) The matters set forth in items (iii) and (viii) of the preceding paragraph shall be decided based on matters under item (ii) of the same paragraph and the relationship thereof to other living marine resources, etc., for the purpose of maintaining or restoring specified living marine resources levels that allow for maximum sustainable production to be realized, in consideration of fishery management pertaining to the specified living marine resources and other circumstances.
- (4) When the Minister of Agriculture, Forestry and Fisheries wishes to establish the Basic Plan, he/she shall first hear to the opinion of the Fisheries Policy Council.
- (5) When the Minister of Agriculture, Forestry and Fisheries wishes to decide a quantity under item (vi) of paragraph (2) or an amount under item (x) of the same paragraph, he/she shall hear the opinions of the governors of each prefecture concerned with the relevant portion in advance, and when he/she has decided said quantity or amount, he/she shall notify the governor of the prefecture concerned of said relevant portion without delay.
- (6) When the Minister of Agriculture, Forestry and Fisheries has formulated the Basic Plan, he/she shall publish it without delay.
- (7) The Minister of Agriculture, Forestry and Fisheries shall examine the Basic

Plan, in consideration of the trends in specified living marine resources, the management of fisheries pertaining to the specified living marine resources, and other circumstances at least once a year, and shall change the Basic Plan when he/she finds it necessary.

- (8) In his/her examination under the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries shall hear the opinion of the Fisheries Policy Council.
- (9) The provisions of paragraphs (4) through (6) shall be applied mutatis mutandis to a change in the Basic Plan pursuant to the provisions of paragraph (7).

(Prefectural Plan)

Article 4 (1) The governor of each prefecture shall formulate a Prefectural Plan concerning measures to be implemented for quantities under item (vi) of paragraph (2) of the preceding Article or amounts under item (x) of the same paragraph, in conformity with the Basic Plan (hereinafter referred to as "the Prefectural Plan").

- (2) The Prefectural Plan shall prescribe the following matters:
 - (i) Policy concerning the preservation and control of living marine resources;
 - (ii) Matters concerning quantities as set forth in item (vi) of paragraph (2) of the preceding Article;
 - (iii) From among the quantities under the preceding item, matters concerning the quantities of Class I specified living marine resources by mode of gathering or catching, area of the sea, or period, in the case where such categories are designated;
 - (iv) Matters concerning measures to be implemented for quantities as set forth in item (ii) (or the quantities under the preceding item, if such categories are designated; referred to as "quantity control of Class I specified living marine resources by the governor" in paragraph (2) of Article 8);
 - (v) Matters concerning quantities under item (x) of paragraph (2) of the preceding Article;
 - (vi) From among the quantities under the preceding item, matters concerning amounts of each mode of gathering or catching (limited to modes of gathering and catching subject to control based on fishing effort and which are other than a designated fishery, etc.) for Class II specified living marine resources (hereinafter referred to as "fishing effort control by the governor for Class II specified living marine resources");
 - (vii) Matters concerning measures to be implemented in regard to fishing effort control by the governor for Class II specified living marine resources; and
 - (viii) Other important matters concerning the preservation and control of living marine resources.

- (3) When the governor of each prefecture wishes to establish a Prefectural Plan, such Prefectural Plan shall be subject to approval by the Minister of Agriculture, Forestry and Fisheries.
- (4) When the governor of each prefecture wishes to establish a Prefectural Plan (excluding the matters listed in items (ii) and (v) of paragraph (2); the same shall apply in paragraph (8)), he/she shall first hear the opinion of the Sea-Area Fisheries Adjustment Commission.
- (5) When the governor of each prefecture has formulated the Prefectural Plan, he/she shall publish it without delay.
- (6) When the Minister of Agriculture, Forestry and Fisheries has found that any of the Prefectural Plans do not conform to the Basic Plan due to a change in the Basic Plan, he/she shall notify the governor of the prefecture pertaining to said Prefectural Plan to the effect that said Prefectural Plan should be changed.
- (7) When the governor of the prefecture concerned has received a notification pursuant to the preceding paragraph, he/she shall change the Prefectural Plan.
- (8) In addition to the case referred to in the preceding paragraph, the governor of each prefecture shall examine the Prefectural Plan, in consideration of trends in designated living marine resources (referring to the Class I designated living marine resources and Class II designated living marine resources under paragraph (1) of the following Article; hereinafter the same shall apply), the management of fisheries pertaining to the specified living marine resources or designated living marine resources, and other circumstances at least once a year, and shall change it when he/she finds it necessary.
- (9) In his/her examination under the preceding paragraph, the governor of each prefecture shall first listen to the opinion of the Sea-Area Fisheries Adjustment Commission concerned.
- (10) The provisions of paragraphs (3) through (5) shall be applied mutatis mutandis to any change in the Prefectural Plan pursuant to the provisions of paragraph (7) or (8).

(Preservation and Control of Designated Living Marine Resources)

Article 5 (1) Among living marine resources other than specified living marine resources, the governor of each prefecture may designate, etc. living marine resources by Prefectural Ordinance as living marine resources to be preserved and controlled in the area of the sea designated by Prefectural Ordinance (hereinafter referred to as "the designated area of the sea") by deciding the prefectural catch limit (meaning the maximum annual limit for gathering or catching each type of living marine resources in the designated area of the sea by persons other than those operating a designated fishery, etc. and those provided by Cabinet Order set forth in item (vi) of paragraph (2) of Article 3; hereinafter the same shall apply) (hereinafter referred to as "Class I

designated living marine resources") or may designate, etc. living marine resources by Prefectural Ordinance as living marine resources to be preserved and controlled, by deciding the prefectural limit for fishing effort (meaning the maximum limit of the total annual fishing effort for the prefecture (the amount of fishing work (excluding work by persons who operate a designated fishery, etc.) carried out for gathering or catching each type of living marine resources, with this amount being expressed as a number of fishing days and by any other index provided in Prefectural Regulations for each mode of gathering or catching related to that type of living marine resources; hereinafter the same shall apply) for each type of living marine resources and for the mode of gathering or catching to which each such type is subject, and in cases where each type of living marine resources are controlled based on the prefectural fishing effort within designated areas of the sea or designated periods of time in relation to a mode of gathering or catching, this shall mean the maximum limit of the total annual fishing effort for the prefecture for each such mode of gathering or catching each type of living marine resources, etc.) (hereinafter referred to as "Class II designated living marine resources"), and when the governor designates Class I and Class II designated living marine resources, he/she shall prescribe the following matters in the Prefectural Plan:

- (i) Matters concerning trends in each of the designated living marine resources;
- (ii) Matters concerning the prefectural catch limit for each Class I designated living marine resources;
- (iii) From among prefectural catch limits under the preceding item, matters concerning such limits categorized by the mode of gathering or catching, area of the sea, or period for Class I designated living marine resources, in the case where such categories are designated;
- (iv) Matters concerning the measures to be implemented regarding prefectural catch limits under item (ii) (the quantities under the previous item in the case where such categories are designated; referred to as "quantity control of Class I designated living marine resources by the governor" in paragraph (2) of Article 8);
- (v) Matters concerning the modes of gathering or catching subject to control based on the prefectural fishing effort for each Class II designated living marine resources, and the area of the sea, period, and prefectural fishing effort limit for each of said modes of gathering or catching; and
- (vi) From among prefectural fishing effort limits as set forth in the preceding item, matters concerning such limits categorized by the mode of gathering or catching (limited to modes of gathering or catching subject to control based on the prefectural fishing effort) for Class II designated living marine resources (hereinafter referred to as "fishing effort control by the governor for Class II designated living marine resources").

- (vii) Matters concerning the measures to be implemented in regard to fishing effort control by the governor for Class II designated living marine resources;
- (2) The matters under items (ii) and (v) of the preceding paragraph shall be decided based on the matter stated in item (i) of the same paragraph, the relationship thereof to other living marine resources, etc., for the purpose of maintaining or restoring designated living marine resource levels that allow maximum sustainable production to be realized, in consideration of fishery management pertaining to the designated living marine resources and other circumstances.
- (3) Prefectural Ordinance for designating the area of the sea and living marine resources under paragraph (1) may be established in the event that the prefecture finds it necessary to preserve and control specific living marine resources by deciding the prefectural catch limits or prefectural fishing effort limits in the whole or part of those areas of the sea (limited to the Exclusive Economic Zone, etc.; the same shall apply in paragraph (3) of Article 17) that border said prefecture.

Article 6 The governor of each prefecture may make any request necessary of the Minister of Agriculture, Forestry and Fisheries or of the governor of any relevant prefecture about any measure to be taken by the Minister of Agriculture, Forestry and Fisheries or by the governor of the relevant prefecture, when he/she finds it especially necessary for appropriately assuring the effective implementation of the Prefectural Plan (limited to the matters provided in paragraph (1) of the preceding Article).

(Measures for Achieving the Basic Plan, Etc.)

- Article 7 (1) The Minister of Agriculture, Forestry and Fisheries and the governor of each prefecture shall take measures pursuant to the provisions of this Act, and shall other necessary measures, such as restricting the gathering or catching of aquatic animals and plants pursuant to the provisions of paragraph (1) of Article 34 of the Fishery Act (including the cases where applied mutatis mutandis to paragraph (1) of Article 63 of the same Act), or paragraph (3) or (4) of Article 34, paragraph (1) of Article 39 of the same Act (including the cases where applied mutatis mutandis to paragraph (1) of Article 63 of the same Act), or paragraph (5) of Article 39, paragraph (1) or (2) of Article 65, or paragraph (1) of Article 66 of the same Act, or paragraph (1) or (2) of Article 4 of the Aquatic Resource Protection Act, for achieving the Basic Plan (excluding the matters listed in items (vi) and (v) of paragraph (2) of Article 3) or for achieving the relevant Prefectural Plan.
- (2) When the governor of any prefecture wishes to apply the provisions of paragraph (4) of Article 34 of the Fishery Act for achieving the Prefectural

Plan, he/she may add any restrictions or conditions to fishery rights regardless of the application filed by the relevant Sea-Area Fisheries Adjustment Commission provided in the same paragraph. In this case, the provisions of paragraph (2) of the same Article and paragraph (4) of Article 37 of the same Act shall apply *mutatis mutandis*.

(Publication of the Amount of Gathering or Catching, Fishing Effort, etc.)

Article 8 (1) If the Minister of Agriculture, Forestry and Fisheries finds that an amount of gathering or catching which is subject to quantity control by the Minister is likely to exceed the quantity control set by the Minister, or that fishing effort which is subject to fishing effort control by the Minister is likely to exceed the fishing effort control set by the Minister, he/she shall make public the amount of said gathering, catching, or fishing effort and other matters provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) If the governor of any prefecture finds that quantity control of Class I designated living marine resources set by the governor, or an amount of gathering or catching subject to quantity control of Class I specified living marine resources by the governor (hereinafter generally referred to as "quantity control by the governor") is likely to exceed the quantity control set by the governor, or that fishing effort control set by the governor for Class II designated living marine resources or fishing effort or prefectural fishing effort subject to fishing effort control by the governor for Class II specified living marine resources (hereinafter generally referred to as "fishing effort control by the governor") is likely to exceed the fishing effort control set by the governor, he/she shall make public the amount of said gathering, catching, fishing effort, or prefectural fishing effort and other matters provided by Ordinance of Ministry of Agriculture, Forestry and Fisheries.

(Advice, Guidance, or Recommendation)

Article 9 (1) If the Minister of Agriculture, Forestry and Fisheries finds it necessary so as not to allow the amount of gathering or catching subject to quantity control by the Minister to exceed the quantity control set by the Minister, or so as not to allow the fishing effort subject to fishing effort control by the Minister to exceed the fishing effort control set by the Minister after publication pursuant to the provisions of paragraph (1) of the preceding Article, he/she may give the necessary advice, guidance, or recommendations to the persons carrying out the gathering or catching related to said quantity control by the Minister or fishing effort control by the Minister, on their gathering or catching that is related to said quantity control by the Minister or fishing effort control by the Minister.

(2) If the governor of any prefecture finds it necessary so as not to allow the amount of gathering or catching subject to quantity control by the governor to exceed the quantity control set by the governor, or so as not to allow the fishing effort subject to fishing effort control by the governor to exceed said fishing effort control set by the governor after the publication pursuant to the provision of paragraph (2) of the preceding Article, he/she may give the necessary advice, guidance, or recommendations to the persons carrying out the gathering or catching related to said quantity control by the governor or fishing effort control by the governor, on their gathering or catching that is related to said quantity control by the governor or fishing effort control by the governor.

(Suspension of Gathering or Catching, etc.)

Article 10 (1) If the Minister of Agriculture, Forestry and Fisheries finds that the quantity of gathering or catching subject to quantity control by the Minister has exceeded or is very likely to exceed the quantity control set by the Minister or that the fishing effort subject to fishing effort control by the Minister has exceeded or is very likely to exceed the fishing effort control set by the Minister, he/she may issue any necessary order to the persons carrying out the gathering or catching related to said quantity control by the Minister or fishing effort control by the Minister, concerning the suspension of the gathering or catching being carried out for the purpose of taking the specified living marine resources related to said quantity control by the Minister or fishing effort control by the Minister and on other matters on the gathering or catching of said specified living marine resources, for a period prescribed by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) If the governor of any prefecture finds that the amount of gathering or catching subject to quantity control by the governor has exceeded or is very likely to exceed said quantity control set by the governor or that the fishing effort subject to fishing effort control by the governor has exceeded or is very likely to exceed said fishing effort control set by the governor, he/she may issue any necessary order to the persons carrying out the gathering or catching pertaining to said quantity control by the governor or fishing effort control by the governor, concerning the suspension of the gathering or catching being carried out for the purpose of taking the designated living marine resources pertaining to said quantity control by the governor or fishing effort control by the governor, and on other matters on the gathering or catching of said designated living marine resources, for a period prescribed by the relevant prefecture's Prefectural Regulation.

(Allotment of Gathering or Catching Limits)

- Article 11 (1) The Minister of Agriculture, Forestry and Fisheries or the governor of any prefecture may allot a catch limit related to quantity control set by the Minister or quantity control set by the governor to persons carrying out such gathering or catching, before the beginning of the one-year period in which control is to be enforced through said quantity control set by the Minister or quantity control set by the governor, based on the Basic Plan for designated fisheries, etc. or based on the Prefectural Plan for fisheries requiring permission or any other action by the governor pursuant to the provisions of regulations based on the provisions of paragraph (1) or (2) of Article 65 of the Fishery Act or paragraph (1) or (2) of Article 4 of Aquatic Resource Protection Act, or the provisions of paragraph (1) of Article 66 of the Fishery Act (referred to as "fisheries permitted by the governor" in paragraph (1) of Article 18).
- (2) When the Minister of Agriculture, Forestry and Fisheries or the governor of any prefecture wishes to make allotments under the preceding paragraph, he/she shall first establish a standard for such allotments, while taking into consideration the matters stated below at a minimum, and shall make such allotments in conformity with that standard:
- (i) The number or gross tonnage of the ships used by each person carrying out gathering or catching; and
 - (ii) The gathering or catching status of each person carrying out gathering or catching.
- (3) When the Minister of Agriculture, Forestry or Fisheries wishes to establish a standard under the preceding paragraph, he/she shall first hear the opinions of the Fisheries Policy Council.
- (4) When the governor of any prefecture wishes to establish the standard of paragraph (2), he/she shall first hear the opinion of the relevant Sea-Area Fisheries Adjustment Commission.
- (5) Any person who has been allotted a catch limit pursuant to the provisions of paragraph (1) shall not gather or catch more than the quantity of Class I specified living marine resources or Class I designated living marine resources that he/she has been allotted in the sea area pertaining to said allotment.

(Order to Anchor)

- Article 12 (1) When the Minister of Agriculture, Forestry and Fisheries finds that a person carrying out gathering or catching related to quantity control by the Minister has committed an act in violation of an order under paragraph (1) of Article 10 or the provisions of paragraph (5) of the preceding Article and is likely to continue to commit said act, or when he/she finds that a person who carries out gathering or catching related to fishing effort control by the Minister has committed an act in violation of an order under paragraph (1) of

Article 10 and is likely to continue to commit said act, he/she may order the person carrying out the gathering or catching to anchor the ship used in the act in violation, and may specify the port and the period for anchorage.

- (2) When the governor of any prefecture finds that a person carrying out gathering or catching related to quantity control by the governor has committed an act in violation of an order under paragraph (2) of Article 10 or the provisions of paragraph (5) of the preceding Article and is likely to continue to commit said act, or finds that a person who carries out gathering or catching related to fishing effort control by the governor has committed an act in violation of an order under paragraph (2) of Article 10 and is likely to continue to commit said act, he/she may order the person carrying out the gathering or catching to anchor the ship used in the act in violation, and may specify the port and the period for anchorage.
- (3) When the Minister of Agriculture, Forestry and Fisheries or the governor of any prefecture wishes to issue an order pursuant to the provisions of either of the preceding two paragraphs, he/she shall first hold a hearing, regardless of its classification as a proceeding for statement of opinions pursuant to the provisions of paragraph (1) of Article 13 of Administrative Procedure Act (Act No. 88 of 1993).
- (4) The proceedings pertaining to a ruling pursuant to the provisions of paragraph (1) or (2) on a hearing date shall be opened to the public.

(Conclusion of an Agreement)

- Article 13 (1) A person who carries out gathering or catching related to quantity control by the Minister or fishing effort control by the Minister may enter into an agreement on the preservation and control of the specified living marine resources those are related to said quantity control by the Minister or fishing effort control by the Minister, and may obtain certification from the Minister of Agriculture, Forestry and Fisheries to the effect that said agreement is appropriate.
- (2) A person who carries out gathering or catching related to quantity control by the governor or fishing effort control by the governor may enter into an agreement on the preservation and control of the specified living marine resources or designated living marine resources those are related to said quantity control by the governor or fishing effort control by the governor, and may obtain certification from the governor of the prefecture concerned to the effect that said agreement is appropriate.
 - (3) An agreement under either of the preceding two paragraphs (hereinafter simply referred to as "the agreement") shall prescribe the following matters:
 - (i) The area of the sea, the specified living marine resources or designated living marine resource, and the mode of gathering or catching subject to the

- agreement;
- (ii) The method of preserving and controlling the specified living marine resources or designated living marine resources;
 - (iii) The valid period of the agreement;
 - (iv) Measures in the event that the agreement is violated; and
 - (v) Other matters as provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Certification, etc. of Agreements)

- Article 14 (1) If an application for the certification set forth in paragraph (1) or (2) of the preceding Article falls under all of the following items, the Minister of Agriculture, Forestry and Fisheries or the governor of the prefecture concerned shall issue a certification as set forth in the relevant provision:
- (i) The contents of the Agreement are found to contribute to quantity control by the Minister, fishing effort control by the Minister, quantity control by the governor or fishing effort control by the governor;
 - (ii) The contents of the agreement are not unfairly discriminatory;
 - (iii) The contents of the agreement do not violate this Act, orders based on this Act, or other relevant laws and regulations; and
 - (iv) Any other standard prescribed by Ordinances of the Ministry of Agriculture, Forestry and Fisheries.
- (2) Other than the matters provided for in the preceding paragraph, necessary matters concerning the certification of the agreement (including certification of any change in the agreement), and the withdrawal or discontinuance of the agreement shall be provided by Cabinet Order.

(Arrangements for Participation in an Agreement)

- Article 15 (1) In the case where a person participating in an agreement that has been certified pursuant to paragraph (1) or (2) of Article 13 (hereinafter referred to as a "certified agreement") shows the certified agreement to a person who is not a participant thereto but who carries out the gathering or catching of the types of specified living marine resources or designated living marine resources subject to the certified agreement by the modes of gathering or catching and in the areas of the sea subject to the certified agreement and asks the non-participant to participate in the certified agreement, if the non-participant does not agree to participate, the participant to the certified agreement may request that the Minister of Agriculture, Forestry and Fisheries or the governor of the relevant prefecture who has given certification pursuant to paragraph (1) or (2) of the Article 13 make the necessary arrangements for obtaining the consent of the non-participant, as provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

- (2) In the case where an application has been filed pursuant to the preceding paragraph, if the Minister of Agriculture, Forestry and Fisheries or the governor of the relevant prefecture finds that the participation of the person who is not a participant to the certified agreement is appropriate in light of the provisions of paragraph (1) of the preceding Article and finds it especially necessary to request said person's participation in view of the contents of the certified agreement, he/she shall make such arrangements.

(Measures Under the Fishery Act, etc.)

Article 16 (1) If the number of persons participating in a certified agreement is not less than two thirds of all the persons who carry out the gathering or catching of the specified living marine resources or designated living marine resources subject to the certified agreement by the mode of gathering or catching mode and in the area of the sea subject to said certified agreement, and if such number of all such persons exceed the rate prescribed by Ordinance of the Ministry of Agriculture, Forestry and Fisheries and also conforms to other standards prescribed by Ordinances of the Ministry of Agriculture, Forestry and Fisheries, the participants may request that the Minister of Agriculture, Forestry and Fisheries or the governor of the relevant prefecture take the measures necessary for the achievement of the purpose of the certified agreement, as provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

- (2) In the case where a proposal has been made pursuant to the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries or the governor of the relevant prefecture shall take such measures as placing restrictions on gathering or catching the relevant aquatic animals or plants or any other appropriate measures pursuant to the provisions of paragraph (1) of Article 34 of the Fishery Act (including cases where applied mutatis mutandis to paragraph (1) of Article 63 of the same Act), paragraph (3) or (4) of Article 34, paragraph (1) or (2) of Article 65, or paragraph (1) of Article 66 of the Fishery Act, or paragraph (1) or (2) of Article 4 of the Aquatic Resource Protection Act, considering the contents of the proposal, if he/she finds it necessary for coordination in the fishing industry, protection and culture of aquatic resources, and other factors in the public interest.

- (3) When the Governor of any Prefecture wishes to apply the provisions of paragraph (4) of Article 34 of the Fishery Act based on a proposal pursuant to paragraph (1), he/she may place any restriction or condition on the fishing rights, regardless of the application filed by the relevant Sea-Area Fisheries Adjustment Commission provided in the same paragraph. In this case, the provisions of paragraph (2) of the same Article and paragraph (4) of Article 37 of the same Act shall be applied mutatis mutandis.

- (4) The provisions of the preceding paragraph shall be applied mutatis mutandis in the case where the Minister of Agriculture, Forestry and Fisheries wishes to apply the provisions of paragraph (4) of Article 34 of the Fishery Act pursuant to the provisions of Article 136 of the same Act based on a proposal pursuant to paragraph (1).

(Report of the Amount Gathered or Caught, Fishing Effort, etc.)

- Article 17 (1) When any person who operates a designated fishery, etc. and is as provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries has gathered or caught a Class I specified living marine resources in the exclusive economic zone, etc., he/she shall report the matters provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries concerning the amount gathered or caught and any other gathering or catching status to the Minister of Agriculture, Forestry and Fisheries, as provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (2) When any person who carries out gathering or catching related to fishing effort control by the Minister has done fishing work related to fishing effort subject said fishing effort control by the Minister, he/she shall report the matters provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries concerning the fishing effort and any other gathering or catching status to the Minister of Agriculture, Forestry and Fisheries, as provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (3) When any person who is provided for in a Prefectural Regulation of the relevant prefecture and who is other than a person operating a designated fishery, etc. or a person as provided by Cabinet Order under item (vi) of paragraph (2) of Article 3 has gathered or caught Class I specified living marine resources in the sea bordering said prefecture, or has gathered or caught any of said prefecture's Class I designated living marine resources in that prefecture's designated area of the sea, he/she shall report the matters provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries concerning the gathered or caught quantity and any other gathering or catching status to the governor of the relevant prefecture, as provided in the Prefectural Regulations.
- (4) When any person who carries out gathering or catching related to fishing effort control by the governor has done fishing work related to the fishing effort or prefectural fishing effort subject to fishing effort control by the governor, he/she shall report the matters provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries concerning the fishing effort or prefectural fishing effort and any other gathering or catching status to the governor of the relevant prefecture, as provided in the Prefectural Regulations.

(Report and On-Site Inspection)

Article 18 (1) The Minister of Agriculture, Forestry and Fisheries may ask any person who operates a designated fishery, etc. and who gathers or catches specified living marine resources or any other relevant person to report on his/her gathering or catching status and on any other necessary matters, and the governor of a prefecture may ask any person who operates a fishery permitted by the governor and who gathers or catches specified living marine resources or any designated living marine resource of said prefecture or any other relevant person to report on his/her gathering or catching status and on any other necessary matters, and the Minister or the governor may have any of his/her employees enter the fishing area, ship, workplace, office, or warehouse of any of such persons, for inspecting the status of business or the catch, books, documents, or other articles thereof to the extent necessary for the enforcement of this Act.

(2) Each of the employees who carries out an on-site inspection pursuant to the provisions of the preceding paragraph shall carry an identification card with him/her and show it to the relevant persons.

(3) The authority for on-site inspection pursuant to the provisions of paragraph (1) shall not be construed as being given for criminal investigation.

(Collection of Reports by the Fisheries Policy Council, Etc.)

Article 19 The Fisheries Policy Council may ask a person who operates a designated fishery, etc. and who gathers or catches specified living marine resources or any other relevant person to appear before the council or to report to it on any necessary matters, or may have a member of the council or a person engaged in the affairs of the council carry out the necessary examination of a fishing area, ship, workplace, or office, if the council finds it necessary for dealing with any matter over which it holds authority pursuant to the provisions of this Act.

(Classification of Affairs)

Article 20 The affairs to be dealt with by each prefecture pursuant to the provisions of this Act (excluding paragraph (5) of Article 3 (including the cases where applied mutatis mutandis pursuant to paragraph (9) of the same Article) and Article 6) shall be Item I statutorily entrusted affairs pursuant to item (i) of paragraph (9) of Article 2 of the Local Autonomy Act (Act No. 67 of 1947).

(Transitional Measures)

Article 21 In the case where any Cabinet Order, Ordinance of the Ministry of Agriculture, Forestry and Fisheries, or Prefectural Ordinance or Regulation based on the provisions of this Act is established, revised, or abolished, said

Cabinet Order, Ordinance of the Ministry of Agriculture, Forestry and Fisheries, or Prefectural Ordinance or Regulation may provide for the necessary transitional measures (including transitional measures on penal provisions) to the extent reasonably judged to be necessary for the establishment, revision, or abolition thereof.

(Penal Provisions)

Article 22 Any person who falls under any of the following items shall be sentenced to imprisonment with work for not more than three years and/or to a fine of not more than two million yen:

- (i) A person who has violated an order under paragraph (1) or (2) of Article 10;
- (ii) A person who has violated the provisions of paragraph (5) of Article 11; or
- (iii) A person who has violated an order pursuant to the provisions of paragraph (1) or (2) of Article 12.

Article 23 In the case set forth in item (i) or (ii) of the preceding Article, the catch, products made therefrom, ship(s), fishing gear, and any other objects used for gathering or catching the relevant living marine resources that are owned by or in the possession of an offender may be confiscated; provided, however, that if objects owned by the offender cannot be confiscated in whole or in part, their equivalent value may be collected.

Article 24 Any person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

- (i) A person who has not reported pursuant to the provisions of paragraphs (1) through (4) of Article 17 or who has made a false report; or
- (ii) A person who has not reported pursuant to the provisions of paragraph (1) of Article 18 or who has made a false report, or a person who has refused, disturbed, or evaded inspection pursuant to the provisions of the same paragraph.

Article 25 When a representative of a juridical person or an agent, employee, or other worker of a juridical person or of a person has violated Article 22 or the preceding Article in relation with the business of said juridical person or said person, the violator shall be punished, and the juridical person or the person concerned shall also be punished by the fine prescribed in the corresponding Article.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into effect as of the day when United Nations Convention on the Law of the Sea becomes effective in Japan.

(Clarification on the Relevant Waters)

Article 1-2 With regard to application of the provisions of paragraph (1) of Article 2, until otherwise stipulated, "The Exclusive Economic Zone of Japan" shall be deemed to be replaced with "The Exclusive Economic Zone of Japan (when an adjustment of the scope of waters in which Japan may exercise its sovereign right to gather and catch living marine resources pursuant to the treaty under Article 4 of the Act on The Exclusive Economic Zone and the Continental Shelf (Act No. 74 of 1996) takes place, such waters)," and "the Act on the Exclusive Economic Zone and the Continental Shelf (Act No. 74 of 1996)" shall be deemed to be replaced with "the same Act."

Article 1-3 With regard to the application of the provisions of Article 3 of the Act on the Exclusive Economic Zone and the Continental Shelf concerning the sovereign right as provided in paragraph (1) of Article 2 as applied mutatis mutandis pursuant to the provisions of the preceding Article, in the case where the adjustment provided in the same paragraph has taken place, "The Exclusive Economic Zone" under item (i) of paragraph (1) of the same Article shall be deemed to be replaced with "The Exclusive Economic Zone (The Exclusive Economic Zone under paragraph (1) of Article 2 of the Act on the Preservation and Control of Living Marine Resources (Act No. 77 of 1996) as applied mutatis mutandis pursuant to the provisions of Article 1-2 of the Supplementary Provisions of the same Act; hereinafter the same shall apply in this Article)."

(Exceptions on Application)

Article 2 The provisions of Articles 7 through 25 may be exempted from application to Class I specified living marine resources designated by Cabinet Order; provided that if a period therefor is provided by Cabinet Order, the exemption shall be limited to said period.

(Transitional Measures Pertaining to the Basic Plan and Each Prefectural Plan)

Article 3 The Basic Plan and each Prefectural Plan shall specify the total allowable catch for 1997 and thereafter.

Supplementary Provisions [Act No. 149 of December 18, 1998] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of the day when the Agreement between Japan and the Republic of Korea Concerning Fisheries becomes effective.

(Transitional Measures Concerning Application of Penal Provisions)

Article 3 With regard to application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 87 of July 16, 1999] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of April 1, 2000; provided, however, that the provisions listed in the following items shall come into effect as of the days prescribed in those respective items.

(i) The revised provisions of Article 1 of the Local Autonomy Act whereby five Articles, a section title, and two subsections and subsection titles are added after Article 250 of the same Act (limited to the portions pertaining to paragraph (1) of Article 250-9 of the same Act (limited to the portion pertaining to obtaining consent from both the Lower and Upper Houses)), the revised provisions of paragraphs (9) and (10) of Article 40 of the Supplementary Provisions of the Natural Park Act (limited to the portions pertaining to paragraph (10) of the Supplementary Provisions of the same Act), the provisions of Article 244 (excluding the portions pertaining to the revised provisions of Article 14-3 of the Agricultural Extension Promotion Act), and the provisions of Article 472 (excluding the portions pertaining the revised provisions of Article 6, Article 8, and Article 17 of the Act on Special Measures for the Mergers of Municipalities), and the provisions of Article 7, Article 10, and Article 12, the proviso to Article 59, paragraphs (4) and (5) of Article 60, Article 73, Article 77, paragraphs (4) through (6) of Article 157, Article 160, Article 163, Article 164, and Article 202 of the Supplementary Provisions: The day of promulgation

(Affairs of the National Government, etc.)

Article 159 The affairs provided for in the relevant Acts not yet revised by this Act, and the affairs of the national government, local governments other than the relevant local government, and other public organizations which are managed or executed by the relevant local government in conformity with the relevant Acts or Cabinet Orders based on those Acts prior to the enforcement of this Act (referred to as "the affairs of the national government, etc." in Article 161 of the Supplementary Provisions), shall be dealt with by the local

government concerned as the affairs of said local government in conformity with those Acts or with the Cabinet Orders based on those Acts after the enforcement of this Act.

(Transitional Measures Concerning Decisions, Applications, etc.)

Article 160 (1) With regard to application of the relevant Acts that are revised by this Act on or after the day of the enforcement of this Act, except for the acts provided in the provisions of Article 2 through the preceding Article of the Supplemental Provisions and in the provisions concerning the transitional measures for those respective Acts (including the orders based on those Acts) that are revised by this Act, making decisions such as on permission and other acts (hereinafter referred to as "the act of making decisions, etc.") carried out pursuant to the provisions of Acts not yet revised by this Act (or the provisions under the items of Article 1 of the Supplementary Provisions; hereinafter the same shall apply in this Article and Article 163 of the Supplementary Provisions) prior to the enforcement of this Act, or filing applications for permission, etc. and other acts (hereinafter referred to as "the act of filing applications, etc." in this Article) carried out pursuant to the provisions of Acts not yet revised by this Act at the time of enforcement of this Act, in the cases where administrative affairs pertaining to these acts shall be dealt with by any other administrator on the day of enforcement of this Act, these shall be deemed to be acts of making decisions, etc. or acts of filing applications, etc. carried out pursuant to the corresponding provisions of the respective Acts revised by this Act.

(2) If, prior to the enforcement of this Act, any matter that requires reporting, notification, submission, or any other procedure to be carried out at an office of the national government or a local government pursuant to the provisions of any of the relevant Acts not yet revised by this Act is not yet accomplished in terms of the required procedures before the day of the enforcement of this Act, and if the matter still requires reporting, notification, submission, or any other procedure to be carried out at the corresponding office of the national government or local government pursuant to the corresponding provisions of any of said Acts revised by this Act, then it shall be deemed that the matter has not been accomplished in terms of the required procedures, unless otherwise provided for in this Act or by any Cabinet Order based on this Act, and the provisions of said Acts revised by this Act shall apply.

(Transitional Measures Concerning Appeals)

Article 161 (1) When there was any decision made before the day of enforcement of this Act pertaining to an affair of the national government, etc., and when before the enforcement of this Act there was a higher administrative agency

(hereinafter referred to as the "higher agency") as set forth in the Administrative Appeals Act above the administrative agency that made that decision (hereinafter referred to as "the deciding agency" in this Article), for any appeal that was filed pursuant to the provisions of the same Act, the relevant deciding agency shall be deemed to continue to have a higher agency above it and the Administrative Appeals Act shall continue to apply even after the day of enforcement of this Act. In this case, the administrative agency deemed to be the higher agency above the deciding agency shall be the administrative agency that was the higher agency above said deciding agency before the day of enforcement.

- (2) In a case as prescribed in the preceding paragraph, if the administrative agency deemed to be the higher agency is a local government body, the affairs to be handled by said body pursuant to the provisions of the Administrative Appeals Act shall be Item I statutorily entrusted affairs as provided in item (i) of paragraph (9) of Article 2 of the New Local Autonomy Act.

(Transitional Measure Concerning Fees)

Article 162 With regard to fees that should be paid pursuant to the provisions of the relevant Acts (including orders based on those Acts) not yet revised by this Act before the day of enforcement, the provisions then in force shall remain applicable, unless otherwise provided in this Act or by any Cabinet Order based on this Act.

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) Unless provided in the Supplementary Provisions, the transitional measures necessary for the enforcement of this Act (including transitional measures concerning the penal provisions) shall be provided by Cabinet Order.

- (2) The matters necessary for applying the provisions of Article 18, Article 51, and Article 184 of the Supplementary Provisions shall be provided by Cabinet Order.

(Review)

Article 250 With regard to Item I statutorily entrusted affairs as provided in item (i) of paragraph (9) of Article 2 of the New Local Autonomy Act, establishment of new affairs shall be avoided to the greatest possible extent,

and the affairs listed in Appended Table 1 of the New Local Autonomy Act and affairs as provided by Cabinet Order based on the New Local Autonomy Act shall be reviewed from the viewpoint of their promotion of decentralization, and shall be revised as appropriate.

Article 251 The government shall review the methods for enriching and assuring financial resources for local taxes in response to work-sharing between the national and local governments, in consideration of changes in economic conditions, etc., so that local governments may voluntarily and independently execute their affairs and operations, and shall take the necessary measures based on the results of their review.

Article 252 With a view to securing the convenience of insured persons and others and increasing the efficiency of administrative processing, etc., the government shall review the administrative processing systems for social insurance, the working situation of officials engaged therein, and other matters, in line with reforms of the medical insurance system, the pension system, and others, and shall take the necessary measures based on the result of such review when the government finds it necessary.

Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) shall come into effect as of January 6, 2001.

Supplementary Provisions [Act No. 89 of June 29, 2001] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of the day of its promulgation.

Supplementary Provisions [Act No. 91 of June 29, 2001] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of the day specified by Cabinet Order, within a period not exceeding nine months from the day of its promulgation; provided, however, that the provisions of the following Article shall come into effect as of the day of its promulgation.

(Transitional Measures)

Article 2 In the case where the enforcement of Cabinet Order under paragraph

(6) or (7) of Article 2 of the Act on the Preservation and Control of Living Marine Resources that are to be revised by this Act is planned prior to the enforcement of this Act, the provisions of paragraph (4) of Article 2 of the Act on the Preservation and Control of Living Marine Resources not yet revised by this Act shall be applicable.

(Entrustment to Cabinet Order)

Article 3 Other than the provisions of the preceding Article, transitional measures necessary for the enforcement of this Act shall be provided by Cabinet Order.

Supplementary Provisions [Act No. 77 of June 6, 2007] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of the day specified by Cabinet Order, within a period not exceeding one year from the day of its promulgation.