

(Unofficial Translation)

Law on Provisional Measures relating to
the Fishing Zone

(Law No. 31 of 2 May 1977)

(Purposes)

Article 1

This Law, in line with factors such as the recent rapid developments in the international community toward a new order of the sea and other significant changes in the international environment relating to fisheries, and to ensure proper conservation and management of fishery resources, shall prescribe provisional measures necessary for the exercise of jurisdiction over fisheries and similar activities within the fishing zone.

(Jurisdiction within the fishing zone)

Article 2

Japan has jurisdiction over fisheries (The term "fisheries" means the undertaking involving the catching and taking or culturing of marine animals and plants. The same shall apply hereinafter.) within the fishing zone.

2. Japan also has jurisdiction over the catching and taking of marine animals and plants (Other than that which falls under "fisheries". The same shall apply hereinafter.) within the fishing zone.

3. In exercising its jurisdiction provided for in the preceding two paragraphs, Japan shall respect the recommendations relating to the conservation and management of fishery resources of international organizations of which Japan is a member.

(Definitions)

Article 3

In this Law, the term "the baseline of Japan" means the baseline provided for in Article 2 Paragraph 1 of the Law on the Territorial Sea (Law No. 30 of 1977.).

2. In this Law, the term "median line" means the line every point of which is equidistant from the nearest point on the baseline of Japan and the nearest point on the baseline from which the breadth of the territorial sea pertaining to the foreign coast which is opposite the coast of Japan is measured.

3. In this Law, the term "fishing zone" means the areas of the sea (excluding the territorial sea and such areas of the sea as prescribed by Cabinet Order) which extend from the baseline of Japan to the line every point of which is two hundred nautical miles from the nearest point on the baseline of Japan. Provided that, where any part of that line as measured from the baseline of Japan lies beyond the median line, the median line (or the line which may be

agreed

agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line.

4. In this Law, the term "foreigner" means the following:

(1) Persons who are not Japanese nationals, with the exception of persons lawfully resident in Japan and designated by the Minister of Agriculture and Forestry;

(2) Foreign countries, public organizations of a foreign country or similar organizations, or juridical persons and other organizations established under foreign laws.

(Application of Laws and Regulations within
the fishing zone)

Article 4

The Laws and Regulations of Japan shall apply, as prescribed by Cabinet Order, with respect to the fisheries and the catching and taking of marine animals and plants in which foreigners engage within the fishing zone. The technical modifications necessary for the application of these Laws and Regulations shall be prescribed by Cabinet Order.

(Prohibition of fisheries, etc.)

Article 5

Foreigners shall not engage in fisheries or in the catching and taking of marine animals and plants in the following areas of the sea within the fishing zone, except in

in so far as such catching and taking of marine animals and plants is of insignificant nature as prescribed by Ministry of Agriculture and Forestry Ordinance.

(1) Areas of the sea within the designated areas provided for in Paragraph 2 of the Supplementary Provisions of the Law on the Territorial Sea but limited to that part of the sea which extends from the baseline of Japan to the line every point of which is twelve nautical miles from the baseline of Japan;

(2) Areas of the sea designated by the Minister of Agriculture and Forestry as necessary for the protection of fishery resources and for fisheries adjustment.

(Permission to engage in fisheries, etc.)

Article 6

Foreigners shall not engage in fisheries or in the catching and taking of marine animals and plants within the fishing zone (The areas prescribed in each of the sub-paragraphs in the preceding article are excluded therefrom. The same shall apply in the next article and in Article 9 Paragraph 1.), without obtaining permission from the Minister of Agriculture and Forestry as prescribed by Ministry of Agriculture and Forestry Ordinance, except in so far as the case falls under one of the following sub-paragraphs:

(1)

(1) Where the fisheries or the catching and taking of marine animals and plants pertain to highly migratory species prescribed by Cabinet Order;

(2) Where the catching and taking of marine animals and plants is conducted with the approval provided for in Article 9 Paragraph 1;

(3) Where the catching and taking of marine animals and plants is of insignificant nature as prescribed by the Ministry of Agriculture and Forestry Ordinance referred to in the proviso of the preceding article.

2. Where the Minister of Agriculture and Forestry grants the permission provided for in the preceding paragraph, the Minister shall issue a permit to the foreigner concerned, as prescribed by Ministry of Agriculture and Forestry Ordinance.

3. The foreigner, having obtained the permission provided for in Paragraph 1, shall display a prominent sign to that effect on the vessel pertaining to the fisheries or the catching and taking of marine animals and plants in which he engages and shall keep the permit provided for in the preceding paragraph on the vessel, as prescribed by Ministry of Agriculture and Forestry Ordinance.

(Criteria

(Criteria for permission, etc.)

Article 7

When an application for the permission provided for in the first paragraph of the preceding article is made, the Minister of Agriculture and Forestry shall not grant the permission of the aforesaid paragraph unless it is considered certain that the fisheries or the catching and taking of marine animals and plants pertaining to the application will be conducted properly in accordance with an international agreement or other arrangements, that such activities will not exceed the limit of catch laid down by the Minister of Agriculture and Forestry for each of the classifications prescribed by Ministry of Agriculture and Forestry Ordinance for the fisheries or the catching and taking of marine animals and plants in which foreigners engage within the fishing zone, and that such activities will be in conformity with other criteria prescribed by Cabinet Order.

2. Decisions on the limit of catch pursuant to the provisions of the preceding paragraph shall be made, as prescribed by Cabinet Order, on the basis of fishery resources trends supported by scientific evidence and of the actual situation with respect to fishing by Japanese fishermen within the fishing zone, and with overall consideration of factors such as the actual situation with respect to fishing by foreigners within the fishing

zone

zone and the situation with respect to Japanese fisheries in the waters adjacent to a foreign country.

(Fishing fees)

Article 8

Where a foreigner is granted a permit pursuant to the provisions of Article 6 Paragraph 2, he shall pay to the State fishing fees the amount of which shall be prescribed by Cabinet Order.

2. Where a special reason justifies it, the fishing fees provided for in the preceding paragraph may be reduced or remitted, as prescribed by Cabinet Order.

3. In addition to what is prescribed in the preceding two paragraphs, other necessary matters relating to fishing fees shall be prescribed by Cabinet Order.

(Approval relating to the catching and taking of marine animals and plants for the purposes of experiment, research, etc.)

Article 9

A foreigner who wishes to engage in the catching and taking of marine animals and plants within the fishing zone for the purposes of experiment or research, or for other purposes prescribed by Ministry of Agriculture and Forestry Ordinance, shall obtain approval from the Minister of Agriculture and Forestry as prescribed by Ministry of Agriculture and Forestry Ordinance, except in so far as the catching and taking of marine animals and plants

pertains

pertains to highly migratory species prescribed by the Cabinet Order referred to in Article 6 Paragraph 1 Sub-paragraph 1, or is of insignificant nature as prescribed by the Ministry of Agriculture and Forestry Ordinance referred to in the proviso of Article 5.

2. A foreigner who applies for the approval provided for in the preceding paragraph shall, as prescribed by Cabinet Order, pay to the State fees the amount of which shall be prescribed by Cabinet Order.

3. The provisions of Paragraph 2 and Paragraph 3 of Article 6 shall apply mutatis mutandis to the approval provided for in Paragraph 1, and the provisions of Paragraph 2 of the preceding article shall apply mutatis mutandis to the fees provided for in the preceding paragraph.

(Conditions and restrictions)

Article 10

The permission provided for in Article 6 Paragraph 1 or the approval provided for in Paragraph 1 of the preceding article may be made subject to conditions or restrictions, which may be subsequently altered.

(Revocation, etc., of permission and approval)

Article 11

Where a foreigner who has obtained the permission provided for in Article 6 Paragraph 1 contravenes Laws and Regulations, or conditions or restrictions provided for

for in the preceding article, the Minister of Agriculture and Forestry may order the suspension of fisheries or of the catching and taking of marine animals and plants for a fixed period of time or may revoke the permission provided for in the aforesaid paragraph.

2. Where a foreigner who has obtained the approval provided for in Article 9 Paragraph 1 contravenes Laws and Regulations, or conditions or restrictions provided for in the preceding article, the Minister of Agriculture and Forestry may revoke the approval provided for in the aforesaid paragraph.

(Conservation and management of anadromous species)

Article 12

From the standpoint that in areas of the sea beyond the fishing zone also (excluding the internal waters, the territorial sea and the areas of the sea equivalent to the fishing zone of a foreign country) Japan has jurisdiction over the anadromous species which spawn in fresh waters of Japan, Japan shall endeavor to achieve, through international cooperation, proper conservation and management of anadromous species in the aforesaid areas of the sea.

(Delegation of powers to Cabinet Orders, etc.)

Article 13

Where Cabinet Orders or Ministry of Agriculture and Forestry Ordinances are enacted, amended or abrogated

in accordance with the provisions of this Law, such Orders or Ordinances may prescribe necessary transitional measures (including transitional measures relating to penal provisions), in so far as they are considered reasonably necessary for such enactment, amendment or abrogation.

Article 14

Exemption from the provisions of Articles 5 to 11 may be granted by a Cabinet Order to the foreigner and for the areas of the sea designated by that Order with respect to one or more of the aforesaid provisions.

Article 15

Unless otherwise provided for in this Law, procedures necessary for the implementation of this Law and other matters necessary therefor shall be prescribed by Ministry of Agriculture and Forestry Ordinance.

(Effect of treaties)

Article 16

Where a treaty provides otherwise for matters provided for in this Law, the provisions of the treaty shall apply.

(Penal provisions)

Article 17

A person who falls under one of the following sub-
-paragraphs shall be liable to a fine not exceeding ten
million

million yen.

(1) A person who has contravened the provisions of Article 5 or of Article 6 Paragraph 1;

(2) A person who has contravened conditions and restrictions to which the permission provided for in Article 6 Paragraph 1 is made subject pursuant to the provisions of Article 10, including those altered pursuant to the provisions of Article 10;

(3) A person who has contravened an order issued pursuant to the provisions of Article 11 Paragraph 1.

Article 18

A person who has contravened the conditions and restrictions to which the approval provided for in Article 9 Paragraph 1 is made subject pursuant to the provisions of Article 10, including those altered pursuant to the provisions of Article 10, shall be liable to a fine not exceeding five hundred thousand yen.

Article 19

In cases which fall under the two preceding articles, any catch and its products, any vessel or any fishing gear or other objects which may be used for fisheries or for the catching and taking of marine animals and plants owned or possessed by the offender may be forfeited. Provided that, where the forfeiture of the whole

whole or part of the aforesaid objects owned by the offender is impracticable, the monetary value thereof may be forfeited.

Article 20

A person who has contravened the provisions of Article 6 Paragraph 3 (including cases where the paragraph shall apply mutatis mutandis under Article 9 Paragraph 3) shall be liable to a fine not exceeding two hundred thousand yen.

Article 21

Where a representative of a juridical person or an agent, employee or other worker of a juridical person or of a person has acted, with respect to the business activities or properties of the juridical person or the person, in contravention of Article 17, Article 18 or the preceding article, not only shall such offender be liable, but the juridical person or the person shall also be liable to the penalty provided for in whichever article is relevant.

(Exception relating to the jurisdiction
of the first instance)

Article 22

The jurisdiction of the first instance with respect to legal proceedings pertaining to offenses under the provisions of this Law shall also be conferred upon District Courts.

Supplementary

Supplementary Provisions

(Date of entry into force)

1. This Law shall enter into force on the date prescribed by Cabinet Order, which shall be within two months of the date of its promulgation.