

INFORMATION NOTE (Draft)

1. Background

Illegal, unreported, and unregulated (IUU) fishing constitutes one of the most serious threats to the sustainable use of fishery resources. Preventing IUU catches from entering domestic supply chains is recognized as an effective measure to combat IUU fishing. In 2010, the European Union (EU) introduced a European Community catch certification scheme (the EU catch certification scheme), which requires all marine fishery products imported into the EU to be accompanied by catch certificate. In 2018, the United States (US) established reporting and recordkeeping requirements for importing specified seafood species groups under the Seafood Import Monitoring Program (SIMP).

Japan, one of the world's largest importers of fishery products, along with the EU and the US, has no specific regulations in place to prevent IUU catches from entering the country except for tuna, tuna-like species, and tooth fish. It exposes Japan to be a potentially attractive market for IUU fishing operators. In recent years, the number of poaching by people who do not have fishing rights such as organized crime groups has been increasing in Japan.

Under these circumstances, the bill for the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (the Act) has been unanimously passed and enacted at the 203rd Extraordinary Session of the Diet. The Act was promulgated on December 11, 2020, and is scheduled to enter into force within two years from the promulgation.

2. Outline of the Act

There are two separate measures to regulate IUU catches stipulated in the Act.

(1) Regulation on Japanese Domestic Market (Class I Aquatic Animals and Plants)

Class I Aquatic Animals and Plants (Class I) is defined as group of aquatic animals and plants designated by the Minister of Agriculture, Forestry and Fisheries (the Minister) that are particularly vulnerable to IUU fishing in Japan and in need for conservation and management measures.

When trading Class I in Japan, a business operator shall provide a notification, convey a catch number of Class I, and prepare and retain transaction records of the Class I, including species name, weight or quantity, date(s) of trading(s), trading partner(s), catch number.

In exporting Class I, a legal harvest certificate issued by the Minister which validates that the catch is not in violation of the Fishery Act and other relevant regulations in Japan shall be attached. In order to apply for the certificate, information on the products to be exported, including all the transaction records of the products shall be provided.

This measure does not require foreign governments to take any additional procedures when importing Class I from Japan.

(2) Import Regulation (Class II Aquatic Animals and Plants)

Class II Aquatic Animals and Plants (Class II) is defined as group of aquatic animals and plants designated by the Minister that are particularly vulnerable to IUU fishing by foreign flagged vessels under foreign laws or international conservation and management measures, which needs to be managed under import regulation.

Class II shall not be imported into Japan without a catch certificate issued by the competent authority of flag State of the vessel catching Class II to certify that they were caught legally and other document(s) provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries (Ordinance). Please note that this catch documentation scheme is developed based on the EU catch certification scheme.

The catch documentation scheme is described in details in the TECHNICAL NOTE.

3. Schedule

The schedule regarding Class II is as follows.

December 2021 ~ January 2022 ~	Pre-briefing for major exporting countries to Japan. Briefing sessions for Embassies in Japan, bilateral consultations, and Notification to the World Trade Organization (WTO).
Spring 2022	Promulgation of the Ordinance*. * The Ordinance laying down detailed rules for the implementation of the Act including fish species subject to the catch documentation scheme under the Act and the certificate template
December 2022	Entering into force of the Act.

A handbook on the implementation of the catch documentation scheme will be provided and published before the Act enters into force.