



Poaching shall never be forgiven

Anti-coastal poaching measures

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*Only available in Japanese

Introduction

Over recent years, illegal poaching has become an increasingly serious issue.

Particularly, abalones and sea cucumbers have been targeted by organized, broad-based poachers as they inhabit coastal regions and can be easily collected or captured.

Poaching is also practiced by the general public in different places for their personal consumption as they are not adequately familiar with the rules of resources management.

Poaching is an act that seriously affects the productive activities of the fishing industry and the aquatic resources.

The Fisheries Agency is strictly addressing the issue of poaching in an effort to prevent it.

01

[Stronger Penalties]

We have introduced substantially harsher penalties in the Fisheries Act as revised in 2018.

(Imprisonment of up to 3 years or a fine of up to 30 million yen)

02

[Tighter Control]

We will continue to tighten control over poaching in close collaboration with the Japan Coast Guard, the police, different prefectures and other related organizations.

03

[Comprehensive Anti-poaching Measures]

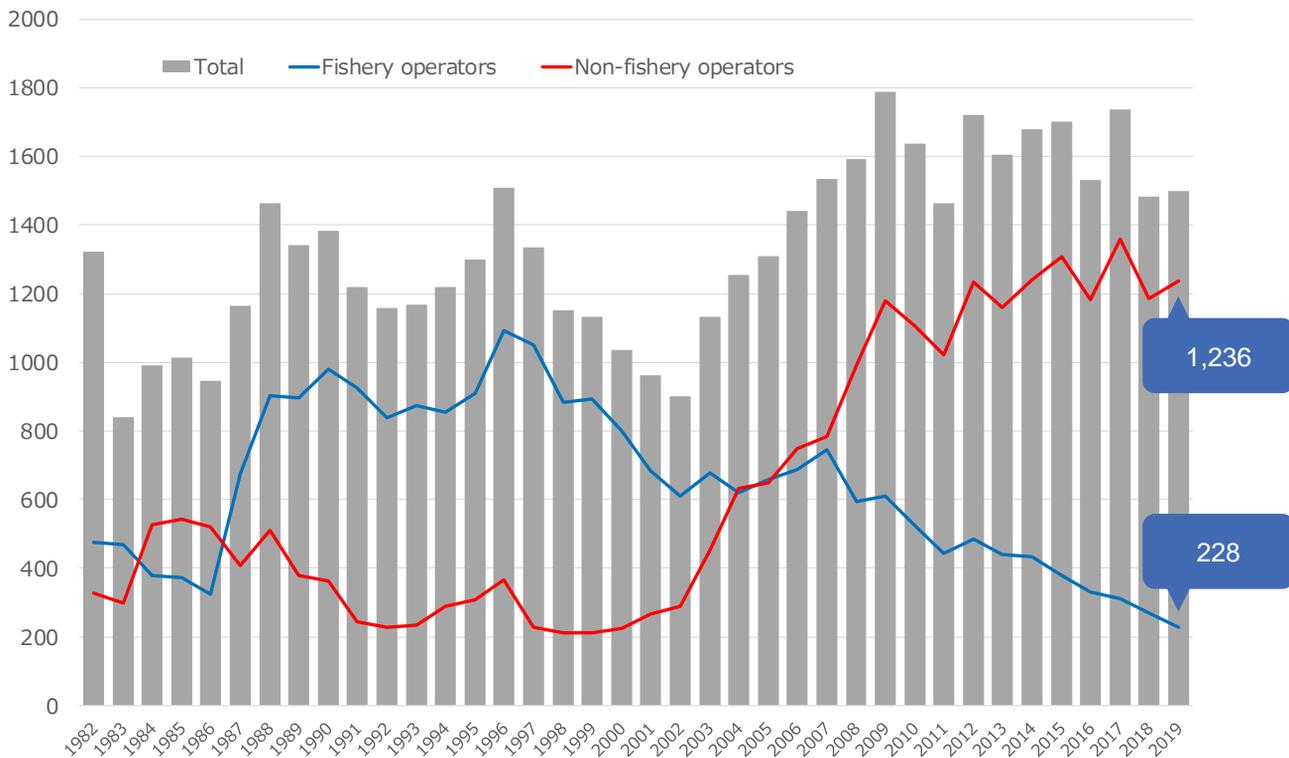
We will promote comprehensive anti-poaching measures including information sharing, provision of support for anti-poaching measures and dissemination of anti-poaching rules among the general public.

Detected Cases of Poaching

The cases of arrest in 2019 due to violation of fisheries-related laws or regulations (poaching) * amounted to 1,556 (including 1,498 arrests due to marine poaching and 58 arrests due to inland poaching).

Over recent years there has been a decrease in illegal fishing by fishery operators while poaching by non-fishery operators is increasing.

- The number of arrests made by the Japan Coast Guard, the police and prefectures over the Jan-Dec 2019 period (prefectural survey data)



Stronger Penalties

Substantially stronger penalties have been adopted in the Fisheries Act as revised in 2018.

We have introduced a new offense of violating the prohibited collection or capture of the specified aquatic animals or plants, and of distributing poached products (which are subject to imprisonment of up to 3 years or a fine of up to 30 million yen)

We have increased penalties for unauthorized fishing and for violation of fishing rights, strengthening applicable penalties as a whole.

Creation of “Offense of prohibited collection or capture of specified aquatic animals or plants”



See the next page for details

[Penalty] Imprisonment of up to 3 years or a fine of up to **30 million yen**

[Punishable act] To collect or capture of specified aquatic animals or plants not pursuant to permission or fishing rights.

Creation of “Offense of distributing poached products”



See page 5 for details

[Penalty] Imprisonment of up to 3 years or a fine of up to **30 million yen**

[Punishable act] To knowingly transport, store or acquire poached specified aquatic animals or plants or product thereof or intermediate or work for their disposal.

Increased penalties for “Offense of unauthorized fishing operations”

This offense shall apply to those who without permission engage in fishing operations that are subject to permission (e.g., driving apparatus fishery, trawl net fishery).

[Before revision] Imprisonment of up to 3 years or a fine of up to 2 million yen

[After revision] Imprisonment of up to 3 years or a fine of up to **3 million yen**

Increased penalties for “Offense of violation of fishing rights”

This offense shall apply to those who collect or capture any aquatic animal or plant eligible for fishing rights (e.g., turban shells, lobsters) without power or authority to do so.

[Before revision] A fine of up to 200,000 yen

[After revision] A fine of up to **1 million yen**

Prohibition of Collection or Capture of Specified Aquatic Animals or Plants

We have designated as specified aquatic animals or plants abalones, sea cucumbers and some other items which are currently being poached illegally, and have prohibited their collection or capture as a general rule. It is possible, however, to collect or capture them pursuant to fishing rights or permission.

A person who violates this rule shall be subject to imprisonment of up to 3 years or **a fine of up to 30 million yen**. The fine of 30 million yen is **the maximum amount applicable to an individual**.

Specified Aquatic Animals or Plants

An aquatic animal or plant that meets the following requirements shall be designated as such by an ordinance to be issued by the Ministry of Agriculture, Forestry and Fisheries (MAFF):

- An animal or plant that is likely to be collected or captured for the purpose of gaining illicit economic profit.
- Their poaching is likely to seriously affect the growth of aquatic animals or plants or the productive activities of the fishing industry.

(Fisheries Act, Art.132, Para 1)

Abalones, sea cucumbers and glass eels * are designated as specified aquatic animals or plants.

(Fisheries Act Enforcement Regulation Art. 41)

* The Act will apply to glass eels in and after December 2023.

The act of collecting or capturing shall be punishable

The act of collecting or capturing is prohibited, whether committed by a fishery operator or the general public, and therefore the corresponding penalty will apply, except where such act is not punishable as it falls under any stipulated cases of exception (where collection or capture is permitted).

Cases of exception (collection/capture is permitted)

- You collect or capture to the extent permitted by your individual quota (IQ);
- You have permission granted for fishing that requires such permission (fishing permitted by the MAFF minister or the applicable prefectural governor) and engage in fishing pursuant to such permission;
- You engage in fishing exercising your fishing rights or union membership rights;
- You engage in fishing in a case which is designated by a MAFF ordinance as a case where such fishing little affects the growth and development of the specified aquatic animals or plants or the productive activity of the fishing industry (a case where the collection or capture is conducted for purposes of testing and research or educational training)

(Fisheries Act Art.132 Para 2, Fisheries Act Enforcement Regulation Art.42)

* Even if you have permission or the applicable fishing rights you will be subject to a penalty should you engage in illegal fishing operations to the extent not permitted.

Distribution of Poached Plants or Animals

One of the reasons why poaching of the specified aquatic animals or plants occurs is the existence of those who buy them at a high price.

In view of such a situation we have decided to apply the same penalties that apply to poachers to those who knowingly transport, keep or acquire such poached plants or animals or work as an intermediate for their disposal (imprisonment of up to 3 years or a penalty of **up to 30 million yen**).

Prevention of organized poaching

- Poachers who engage in collection or capture in search of illicit economic profit are well organized, including in their distribution channels. Therefore if we arrest on the spot any of those individuals physically engaged in poaching it will not help much to reduce poaching. These people are expendable, and other members of their organization will sell the poached items.
- It is necessary to also apply relevant penalties to those who purchase poached items and are thus participating in their distribution.



Those who engage in any of the following acts shall be subject to imprisonment of **up to 3 years** or a fine of **up to 30 million yen**.

Transportation

Act of moving a poached item to another place

Keeping

Act of conserving/keeping a poached item.

Acquisition

Act of getting a poached item (whether on a chargeable or nonchargeable basis)

Intermediation
for disposal

Act of introducing, or working as an intermediary for, potential sellers of poached items

Mooring Order and Other Matters

For prevention of poaching **an important thing is**, along with the provision for its prohibition, **the efficient application of administrative dispositions** pursuant to the Fisheries Act, including stopping the use of the employed vessels.

A mooring order is intended to prevent the vessel used by the collector-captor from leaving the port. An order for landing of the fishing gear makes the very use of the gear impossible, being therefore effective from the viewpoint of making the act of poaching difficult.

In view of the above we have stipulated in the applicable law a mooring order, an order for landing of fishing gear and other related matters. A violator of such orders shall be subject to imprisonment **of up to 3 years** or a penalty of **up to 3 million yen**.

Mooring order

This order prevents a violator from leaving the port and engaging in fishing and thus maintains orderly fishing ensuring an effective management and control of aquatic resources.

Order for landing of fishing gear

This order prevents a violator from using his/her fishing gear and thus maintains orderly fishing ensuring the effective management and control of aquatic resources.

Order for VMS installation

This order causes the relevant vessel to report its position enabling the authorities to be informed of its operation in real time, maintain orderly fishing business and ensure the effective management of aquatic resources.

We have clearly stated supporting provisions for above orders in applicable laws and stepped up penalties applicable to their violators.

Before revision

Mooring or landing order pursuant to MAFF ordinance or the Prefectural Fisheries Coordination Rules

Imprisonment of up to 2 years or a fine of up to 500,000 yen (MAFF ordinance)

Imprisonment of up to 6 months or a fine of up to 100,000 yen (PREF regulation)

After revision

Order for mooring or landing pursuant to applicable law

A violation of order shall be subject to:

Imprisonment of **up to 3 years** or a fine of **up to 3 million yen**

Revision of the Fisheries Act and the system of penalties

We have increased penalties for violation of the prohibited collection or capture of the specified aquatic animals or plants whereby statutory penalties apply to an individual of a maximum fine of 30 million yen.

We also have increased the upper limit of the fine applicable to non-authorized fishing operations and the infringement of fishing rights, thus strengthening penalties as a whole.

Act of Violation	Before Revision		After Revision	
	Serv.	Fine	Serv.	Fine
Collect/cap. of Specified Aquatic Animals or Plants (SAAP) (Art. 189, Item 1)	—	—	3 Y	¥30 mln
Distribution of poached items (Art. 189, Item 2)	—	—	3Y	¥30 mln
Coll/cap of SAAP without being assigned fishing quota (Art. 190, Item 1)	3Y	¥2 mln*1	3Y	¥3 mln
Coll/cap of SAAP in excess of assigned annual fishing quota (Art. 190, Item 1)	3Y	¥2 mln*1	3Y	¥3 mln
Violation of Order for stoppage of coll/cap of SAAP, of mooring order (Art. 190, Item 2)	3Y	¥2 mln*1	3Y	¥3 mln
Violation of mooring order (Art. 190, Item 2)	2Y	¥0.5 mln*2	3Y	¥3 mln
Non-authorized operation, violation of prohibited fishing (Art. 190, Items 3, 4, 8)	3Y	¥2 mln	3Y	¥3 mln
Operation without license (Art. 190, Item 7)	3Y	¥2 mln	3Y	¥3 mln
Violation of the terms stipulated in Minister's permission and the fishing right (Art. 190, Item 5)	3Y	¥2 mln	3Y	¥3 mln
Violation of the terms stipulated in the prefectural governor's permission (Art. 193, Item 2)	6M	¥0.1 mln*3	6M	¥0.3 mln
Violation of the prefectural governor' instructions which shall follow instructions of the Sea-area Fisheries Adjustment Commission (Art. 191)	1Y	¥0.5 mln	1Y	¥0.5 mln
Violation of the obligation to report fish catches (Art. 193, Item 1)	6M	¥0.3 mln*1	6M	¥0.3 mln
Rejection, obstruction or avoidance of inspection (Art. 193, Item 4)	6M	¥0.3 mln	6M	¥0.3 mln
Infringement on the fishing right or the right to exercise the union membership right (Art. 195)		¥0.2 mln		¥1 mln

*1 Act on the conservation and management of marine biological resources (TAC law)

*2 MAFF ordinance

*3 Prefectural regulation

Comprehensive Anti-Poaching Measures

We believe that stronger penalties implemented under the revised Fisheries Act will greatly serve to deter poaching.

At the same time, included in the things that are important for deterring poaching are education on the rules applicable to resources management, surveillance of the fisheries by night or during the off-season, and prompt notification to poaching-controlling agencies in case of detecting a poacher, all of which are daily activities to be carried out on the applicable sites.

Poaching control is currently carried out by coast guard officers, police officers as well as by fisheries supervisors who are appointed from among staff members of the Fisheries Agency and authorized fisheries supervising officers appointed from among staff members of prefectural government offices, all of whom will be controlling poaching activities in mutual collaboration with competent agencies.

Furthermore, we share poaching-related information, provide assistance for the anti-poaching measures, and educate the general public about the applicable rules, thus promoting comprehensive antipoaching measures.



For further information, visit Fisheries Agency website:

Q Fisheries Agency anti-poaching measures of Japan



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