

LAW RELATING TO PROTECTION OF THE ENVIRONMENT IN ANTARCTICA

Law No.61 of 1997

Chapter I General Provisions (Articles 1-4)

- Article 1 (Purposes) This Law aims at protecting through international cooperation the environment of Antarctica (hereinafter referred to as the "Antarctic Environment" and including dependent and associated ecosystems and the Intrinsic Value of Antarctica, which must be comprehensively protected) by establishing a system to certify Antarctic Activity Plans and by taking measures to restrict certain acts in Antarctica, so as to secure the smooth and accurate implementation of the Protocol on Environmental Protection to the Antarctic Treaty (hereinafter referred to as the "Protocol." and including Annexes I through V thereof), thereby contributing to the welfare of humankind as well as ensuring the health and culture of Japanese nationals now and in the future.
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- Article 2 (Scope of Application) This Law shall apply to Japanese nationals, juridical persons of Japan, aliens residing in Japan, and foreign juridical persons having offices in Japan whose employees engage in Antarctic Activities or are involved in the supervision of Antarctic Activities in connection with the business of the said juridical persons.
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- Article 3 (Definitions) For the purposes of this Law, the following terms shall have the meanings specified below:
- i. "Antarctica" means the land areas (including ice shelves and the space above them) and the marine areas (including the sea below the ice shelves) south of 60 degrees South latitude.
 - i. "Intrinsic Value of Antarctica" means the scientific, historical, and aesthetic value of Antarctica as well as the value inherent in maintaining wildness.
 - i. "Antarctic Activities" means scientific research, tourism, and certain other activities that involve a series of acts aimed at achieving a certain purpose.
 - i. "Antarctic Activity Plan" means a plan related to one or more Antarctic Activities.
 - i. "Antarctic Specially Protected Area" means any Antarctic Specially Protected Area as defined in the provisions of Article 3, paragraphs 1 and 3 of Annex V to the Protocol and designated by an ordinance of the Prime Minister's Office.
 - i. "Specified Activities" means the following activities when conducted in the marine areas of Antarctica (except those performed in unison with Antarctic Activities not listed below):
 - a. the killing or captivity Of marine animals or plants living in the marine areas of Antarctica without violating the provisions of any law or regulation

- restricting or prohibiting such action (such provisions being limited to those designated by a Cabinet order) and any act incidental thereto that is designated by an ordinance of the Prime Minister's Office;
 - b. the sailing of ships or flying of aircraft (not including entry into a Antarctic Specially Protected Area) and any act incidental thereto that is designated by an ordinance of the Prime Minister's Office; and
 - c. the conducting of scientific research (except that listed in (a) above) the results of which are to be made public.
- i. "Components of the Antarctic Environment" means the atmosphere of Antarctica, the water of Antarctica, animals and plants living in or growing in Antarctica, and other aspects of the Antarctic Environment (including its weather and other phenomena and conditions related to the components of Antarctica) as designated by an ordinance of the Prime Minister's Office.
- i. "Impact on the Antarctic Environment" means any impact that an Antarctic Activity may have on the Components of the Antarctic Environment.
- i. "Mineral Resource Activity" means exploration, prospecting, and mining of minerals (including coal, lignite, petroleum, and natural gas).
- i. "Antarctic Mammals" means a live member of a species belonging to the Class Mammalia that is determined by an ordinance of the Prime Minister's Office to be living in Antarctica.
- i. "Antarctic Birds" means a live member of a species belonging to the Class Aves that is determined by an ordinance of the Prime Minister's Office to be living in Antarctica.
- i. "Waste" means useless solids or liquids that have been generated on the land area of Antarctica (not including the atmosphere) or have been brought into the land area of Antarctica.
- i. "Antarctic Historic Sites and Monuments" means historic sites and monuments registered in the list of Historic Sites and Monuments (which are referred to in the latter half of Article 8, paragraph 5 of Annex V to the Protocol) and so designated by an Ordinance of the Prime Minister's Office.

Article 4 (Publication of the Basic Principles for Consideration)

1. For the smooth and accurate, implementation of the Protocol, the Director General of the Environment Agency shall determine and make public the basic principles for consideration for the protection of the Antarctic Environment (hereinafter in this Article referred to as "Basic Principles for Consideration") that must be observed by any person

3. The provisions of the two preceding paragraphs shall apply, mutatis mutandis, to revisions of the Basic Principles for Consideration.

(hereinafter referred to as a "Supervisor") who supervises any Antarctic Activity that has received certification under paragraph 1 of the following Article and by anyone engaged in any Antarctic Activity.

2. In determining the Basic Principles for Consideration, the Director General of the Environment Agency shall consult with the Minister of Education, Science, Sports and Culture and heads of other related administrative agencies.

Chapter II Certification of Antarctic Activity Plans (Articles 5-12)

Article 5 (Restrictions on Activities in Antarctica Other Than Antarctic Activities That Have Received Certification)

1. No person shall engage in any activity in Antarctica other than Antarctic Activities included in an Antarctic Activity Plan that has been certified by the Director General of the Environment Agency as satisfying the conditions set forth in Article 7, paragraph 1 of this Law. (This action hereinafter referred to as "Certification," except in the following paragraph.) This, however, does not apply to Specified Activities.

2. The provisions of the preceding paragraph shall not apply to Antarctic Activities that have received permission or other administrative treatment similar to the certification stipulated in the preceding paragraph and are pursuant to the provisions of any law or regulation of a foreign country that is a party to the Protocol (hereinafter referred to as a "State Party") that is comparable to this Law (hereinafter referred to as "Related Law or Regulation of a State Party") or which have been exempted from the said treatment by the provisions of Related Law or Regulation of a State Party.

3. Any person who seeks to engage in any of the Antarctic Activities referred to in the preceding paragraph shall, in a manner prescribed by an ordinance of the Prime Minister's Office, so report to the Director General of the Environment Agency in advance.

Article 6 (Application for Certification of an Antarctic Activity Plan)

1. An application for Certification of an Antarctic Activity Plan (referred to as "Application" through the end of Article 10) shall be submitted to the Director General of the Environment Agency by any person who will supervise the Antarctic Activities contained in the Antarctic Activity Plan; the Application should describe the following matters:

- i. the name or title and address of the Supervisor and, in case of a juridical person, the names of its representative and directors;
- ii. the purposes of the Antarctic Activity Plan;
- iii. the number of persons who will engage in the Antarctic Activities contained in the Antarctic Activity Plan;
- iv. the names of the persons, if already determined, who will engage in the Antarctic Activities contained in the Antarctic Activity Plan;
- v. if the persons who will engage in the Antarctic Activities contained in the Antarctic Activity Plan have a juridical person for which the person will engage in the Antarctic Activities, the name and address of the juridical person and the name of its representative;
- vi. the purposes, timing, place, and implementation methods of the Antarctic Activities contained in the Antarctic Activity Plan; and
- vii. the details of the acts that constitute the Antarctic Activities contained in the Antarctic Activity Plan (limited to those acts related to the provisions under items (i) through (iii) of paragraph 1 of the ensuing Article) and the names of the persons who will perform those acts, if already determined.

2. Should the person who will supervise the Antarctic Activities fall under either of the following categories, Certification shall not be granted:

- i. the person has violated the provisions of this Law and been sentenced to a fine or heavier punishment, and it has not been two years since the day on which he/she served out his/her sentence or on which it was decided that he/she would not be required to serve out his/her sentence; or
- ii. the person is a juridical person, the director of which falls under the conditions set in the preceding item.

3. The person submitting the Application to the Director General of the Environment Agency pursuant to the provisions of paragraph 1 (hereinafter referred to as the "Applicant") may, in a manner determined by the Director General of the Environment Agency, study, forecast, and evaluate the Impact on the Antarctic Environment of the Antarctic Activities contained in the Antarctic Activity Plan and submit to the Director General of the Environment Agency documents outlining the results thereof together with the Application.

4. The format, required statements, and other matters necessary for the Application shall be determined by an ordinance of the Prime Minister's Office.

Article 7 (Definitions)

1. The Director General of the Environment Agency shall, if he/she determines that all the Antarctic Activities contained in the Antarctic Activity Plan related to an Application satisfy the following

requirements, issue Certification in accordance with the procedures stipulated in Articles 8 and 9:

- i. no act that is part of the Antarctic Activities violates the provisions of Article 13; Article 14, paragraph 1; Article 16; Article 18; or Article 20;
 - ii. where all or some of the acts constituting the Antarctic Activities fall under any of the items of Article 14, paragraph 2, the purposes of each act are as determined by an ordinance of the Prime Minister's Office (but limited to scientific research, collection of educational materials, and purposes similar thereto) and, furthermore, each act is performed in line with the conditions determined by an ordinance of the Prime Minister's Office, including restricting the act to the extent needed for achieving the stated purposes;
 - iii. where all or some of the acts constituting the Antarctic Activities call for entry into an Antarctic Specially Protected Area, such acts satisfy the requirements determined by an ordinance of the Prime Minister's Office for the Antarctic Specially Protected Areas pursuant to the Management Plan referred to in Article 6 of Annex V to the Protocol (in the case of the Antarctic Specially Protected Area for which the Management Plan is not designated, the acts must be limited to those indispensable for scientific research);
 - iv. the Antarctic Activities meet the provisions of the ensuing paragraph; and
 - v. where the Impact on the Antarctic Environment of the Antarctic Activities described in the preceding three items is more than minor or transitory, there is no possibility of the said impact becoming serious as defined by internationally attained scientific knowledge on Impact on the Antarctic Environment.

2. Antarctic Activities shall not

- i. threaten to have an impact on the natural climate variability in Antarctica;
 - ii. threaten to cause serious pollution of the atmosphere, serious contamination of water (including serious deterioration of water condition other than water quality and of the quality of the bottom sediment), or serious contamination of soil;
 - iii. threaten to alter the composition of the atmosphere, to cause drastic change to the topographic features of the land (including the sea bottom) or the ice sheet, or to cause drastic change in the level or volume of inland water;
 - iv. threaten to eliminate significant habitats of species of animals or plants living or growing in Antarctica; threaten to reduce the population of such species so as to endanger their existence; or threaten to have a serious impact on living conditions of such species; or
- ii. threaten to reduce drastically the important Intrinsic Value of Antarctica at a place where such important values exist.

Article 8 (Certification of an Antarctic Activity Plan)

1. If the Director General of the Environment Agency, having received an Application, determines it necessary to examine whether the Application meets the requirements listed in all of the items of paragraph 1 of the preceding Article, he/she may issue an order in writing to the Applicant requesting that the Applicant take some or all of the following measures within a reasonable period of time (the reasons for issuing the order and the time allotted for meeting its requirements shall be stipulated in the order):

- i. amend the Application;
- ii. submit the documents referred to in Article 6, paragraph 3; and
- iii. revise or supplement descriptions in the documents referred to in Article 6, paragraph 3.

2. If an order is issued pursuant to the provisions of the preceding paragraph and the Applicant fails to take the measure(s) contained therein within the specified period of time, the Director General of the Environment Agency shall reject the Application.

3. If the Director General of the Environment Agency, having received an Application, determines that the Antarctic Activity Plan referred to in the Application falls within the purview of any of the following items, he/she shall take the measures stipulated in the respective item:

- i. Where all of the Antarctic Activities contained in the Antarctic Activity Plan meet the requirements of all of the items of paragraph 1 of the preceding Article, the Director General of the Environment Agency shall certify the Antarctic Activity Plan and so notify the Applicant in writing;
 - ii. Where all of the Antarctic Activities contained in the Antarctic Activity Plan meet the requirements of items (i) through (iv) of paragraph 1 of the preceding Article but all or some of the Antarctic Activities do not meet the requirements of item (v) of the same paragraph and it is therefore necessary to hear opinions from the governments of the States Parties and general opinions from Japan and other countries, the Director General of the Environment Agency shall notify the Applicant that measures will be taken pursuant to the provisions of the ensuing Article and give reasons therefor; and
 - iii. In all cases not covered by the preceding two items, the Director General of the Environment Agency shall reject Certification of the Antarctic Activity Plan and so notify the Applicant in writing with reasons therefor.

4. The Director General of the Environment Agency may, if he/she determines it necessary in order to take measures pursuant to the provisions of the preceding paragraph, hear opinions, pursuant to an ordinance of the Prime Minister's Office, from experts of learning and experience related to Antarctica regarding the Antarctic

Activities contained in the Antarctic Activity Plan.

5. The Director General of the Environment Agency may attach conditions to Certification, to the extent he/she determines such conditions are necessary for the protection of the Antarctic Environment, such as requiring observation and measuring of the Components of the Antarctic Environment of the Antarctic Activities (except when the Impact on the Antarctic Environment is less than minor or transitory) contained in the Antarctic Activity Plan pursuant to the provisions of item (i) of paragraph 3, in accordance with an ordinance of the Prime Minister's Office and reporting the results thereof to the Director General of the Environment Agency, or requiring a means of contact with officials in Antarctica exercising the powers of the Director General of the Environment Agency.

6. If a person is dissatisfied with a notice given pursuant to the provisions of item (ii) of paragraph 3, he/she may object based on the Administrative Appeal Law (Law No. 160 of 1962).

7. An Applicant may withdraw the Application at any time before receiving a notice of Certification or rejection.

Article 9 (Inspection of an Antarctic Activity Plan)

1. Regarding measures stipulated in item (ii) of paragraph 3 of the preceding Article, the Director General of the Environment Agency shall, within two weeks from the date on which he/she took them, make public the matters stipulated in an ordinance of the Prime Minister's Office; shall, for a period of 30 days from the date of the said public announcement, make available for public inspection the Application in question and the documents referred to in Article 6, paragraph 3; and shall, in order to seek opinions on the Antarctic Activity Plan referred to in the Application, prepare a Comprehensive Environmental Evaluation describing the matters stipulated in Article 3, paragraph 2 of Annex I to the Protocol and send the same to the governments of the State Parties and to the Committee for Environmental Protection referred to in Article 11 of the Protocol.

2. Any person may, within 90 days of the date of a public announcement made pursuant to the provisions of the preceding paragraph, submit an opinion from the standpoint of protecting the Antarctic Environment to the Director General of the Environment Agency on an Antarctic Activity Plan made available for public inspection pursuant to the provisions of the same paragraph.

3. If the Director General of the Environment Agency recognizes the need to take measures to protect the Antarctic Environment in view of the opinions of the governments of the State Parties on the Comprehensive Environmental Evaluation referred to in paragraph 1 or in view of any opinion(s) referred to in the preceding paragraph or if he/she recognizes the need to abide by the provisions of Article 3, paragraph 5 or 6 of Annex I to the Protocol, he/she may order the Applicant in writing to make any necessary amendments to the

Antarctic Activity Plan within a reasonable period of time (the reasons for issuing the order and the time allotted for meeting its requirements shall be included in the order).

4. The provisions of paragraph 2 of the preceding Article shall apply, *mutatis mutandis*, to the order referred to in the preceding paragraph. In that case, the wording "fails to take the measure(s) contained therein within the specified period of time" shall be construed to mean "fails to make the amendment(s) ordered pursuant to the provisions of Article 9, paragraph 3."

5. If the Director General of the Environment Agency determines that an Antarctic Activity Plan as amended by an order referred to in paragraph 3 (or, if not so ordered, the Antarctic Activity Plan as announced publicly pursuant to the provisions of paragraph 1) meets the requirements of each of the items in Article 7, paragraph 1, he/she shall certify the Antarctic Activity Plan and so notify the Applicant in writing.

6. The provisions of paragraph s of the preceding Article shall apply, *mutatis mutandis*, to Certification referred to in the preceding paragraph.

Article 10 (Succession)

1. A person seeking to replace an Applicant of an Antarctic Activity Plan waiting for Certification may succeed to the position of Applicant by giving notice to the Director General of the Environment Agency in a manner determined by an ordinance of the Prime Minister's Office.

2. In the case of an inheritance or merger involving an Applicant, the inheritor (if there are two or more inheritors, the person selected by unanimous consent as the successor in the Application procedure) or the juridical person continuing after the merger or created by the merger shall succeed to the position of Applicant.

3. The person succeeding to the position of the Applicant pursuant to the provisions of the preceding paragraph shall so report to the Director General of the Environment Agency without delay in a manner determined by an ordinance of the Prime Minister's Office.

4. The provisions of paragraph 1 shall apply, *mutatis mutandis*, to any person seeking to become the Supervisor of an Antarctic Activity Plan that has received Certification; the provisions of paragraph 2 shall apply, *mutatis mutandis*, to the Supervisor of an Antarctic Activity Plan that has been certified. In such cases, the wording "by giving notice to the Director General of the Environment Agency" in paragraph 1 shall be construed to mean "with approval of the Director General of the Environment Agency" and the wording "Applicant" at the end of paragraph 2 shall be construed to mean "Supervisor with approval of the Director General of the Environment Agency"; and the wording "shall succeed to" in the same paragraph shall be construed to mean "may succeed to."

Article 11 (Issuance of Certificate to Performers)

1. If the names of persons referred to in items (iv) and (vii) of Article 6, paragraph 1 are not determined at the time of submitting the Application, the Applicant or the Supervisor shall, at least 30 days before the day on which the Antarctic Activities contained in the Antarctic Activity Plan start (hereinafter referred to as the "Planned Starting Date"), determine the relevant names and report to the Director General of the Environment Agency of them. (If an Antarctic Activity Plan includes two or more Antarctic Activities, then the earliest date on which an Antarctic Activity starts shall be the Planned Starting Date.)

2. If there is any change in the names referred to in items (iv) and (vii) or in the matter referred to in item (v) of Article 6, paragraph 1, the Applicant or the Supervisor shall so notify the Director General of the Environment Agency at least 30 days prior to the Planned Starting Date.

3. The provisions of the two preceding paragraphs shall not apply to the names of persons who will engage in any Antarctic Activity included in an Antarctic Activity Plan the starting date of which is more than six months after the Planned Starting Date, or to matters referred to in item (v) of Article 6, paragraph 1 that relate to the said Antarctic Activity.

4. In a case referred to in the preceding paragraph, the Supervisor shall notify the Director General of the Environment Agency, not later than 30 days prior to the date on which the said Antarctic Activity begins, of the names of the persons who will perform the Antarctic Activity in question and the matters related to the said Antarctic Activity referred to in item (v) of Article 6, paragraph 1.

5. Upon request from a Supervisor, the Director General of the Environment Agency shall issue and deliver to the Supervisor certificates showing that the persons performing the Antarctic Activities under his/her supervision are engaged in Antarctic Activities contained in an Antarctic Activity Plan that has been duly certified.

6. If a certificate issued pursuant to the preceding paragraph is lost or destroyed, the Supervisor or the person named in the certificate as engaging in Antarctic Activities contained in an Antarctic Activity Plan that has been duly certified may seek reissuance thereof in a manner determined by an ordinance of the Prime Minister's Office.

7. A person engaging in Antarctic Activities included in a certified Antarctic Activity Plan shall carry the certificate referred to in paragraphs 5 and 6 at all times while in Antarctica.

Article 12 (Obligations of the Supervisor)

The Supervisor shall explain at the very least to the persons engaging in the Antarctic Activities under his/her supervision the provisions of

items (vi) and (vii) of Article 6, paragraph 1 and give them proper guidance in order that they not violate the provisions of this Law and any orders based thereon.

Chapter III

Restrictions on Acts in Antarctica

Section 1 Restrictions on Activities Related to Mineral Resources (Article 13)

Article 13

Nobody shall engage in Mineral Resource Activities in Antarctica. This, however, does not apply to scientific research the results of which are to be made public.

Section 2 Restrictions for the Conservation of Fauna and Flora (Article 14)

Article 14 1. Nobody shall introduce Antarctica any carcasses of a species belonging to the Class Mammalia or the Class Aves (including their parts but excepting products processed therefrom) other than those that have received inspection as set forth in an ordinance of the Prime Minister's Office or otherwise determined by an ordinance of the Prime Minister's office.

2. No person in Antarctica shall engage in any of the acts listed below:

to capture, injure or kill Antarctic Mammals or Antarctic Birds, or to collect or damage the eggs of Antarctic Birds (except as part of an act related to a Specified Activity or an act constituting an Antarctic Activity included in a certified Antarctic Activity Plan (including any act that has received permission or similar administrative treatment pursuant to the provisions of a Related Law or Regulation of a State Party; in the next item and in item (iii) of this Article referred to as a "Certified Act"));

- ii. to introduce Antarctica any living organism (including virus) in circumstances other than those listed below (excepting cases where introducing such an organism is included in the Certified Act):
 - a. where introducing yeasts and other fungi or plants for consumption as food, or
 - b. where, other than the cases under (a) above, an ordinance of the Prime Minister's Office has determined that the Impact on the Antarctic Environment is minor; or
- iii. to act in such a way as to have an impact on the living or growing conditions or environment of habitats of animals or plants in Antarctica (excepting acts related to a Specified Activity or a Certified Act).

3. Any person who has introduced an animal or plant (including their parts and products processed therefrom) into Antarctica shall endeavor to keep them under carefully controlled conditions so that it does not interfere with the conservation of the Antarctic fauna and flora.

Section 3

Proper Disposal and Management of Wastes (Articles 15-18)

Article 15 (Reducing Production of Waste)

All persons shall endeavor to reduce production of waste in Antarctica and to remove from Antarctica waste that has been produced.

Article 16 (Restrictions on Waste Disposal)

No person shall burn, bury, discharge, abandon, or otherwise dispose of waste in Antarctica except by the methods stipulated in the items below:

- i. combustible solid waste (other than those designated by a Cabinet order) may be incinerated on land, provided the method of incineration satisfies the standards set by an ordinance of the Prime Minister's Office;
- ii. liquid waste produced in Antarctica (including human waste but excluding waste designated by a Cabinet order; hereinafter in this Article referred to as "Liquid Waste") may be buried in the area designated by an ordinance of the Prime Minister's Office that is covered by an ice-sheet and is far away from the coastline or the edge of an ice shelf in the inland direction, provided the method of burial satisfies the standards set by an ordinance of the Prime Minister's Office;
- iii. Liquid Waste generated in the course of daily living and other Liquid Waste designated by a Cabinet order may be disposed of from the land into the sea, provided the method of disposal meets the standards set by an ordinance of the Prime Minister's Office;
- iv. a ship may discharge into the sea any by-products from the disposal of Liquid Waste designated

by item (iii) (limited to by-products stipulated by an ordinance of the Prime Minister's Office), provided it is done in accordance with the provisions of the Law Relating to the Prevention of Marine Pollution and Maritime Disaster (Law No. 136 of 1970);

- v. where it is acknowledged by the provisions of an ordinance of the Prime Minister's Office that the removal of certain waste would result in a greater environmental impact on Antarctica than abandoning it there, the said waste shall be abandoned; and

- i. Liquid Waste may be disposed of on the land or discharge into the sea if it has been determined by an ordinance of the Prime Minister's Office that the said disposal or discharge is unavoidable and causes only a minor impact on the Antarctic Environment.

Article 17 (Proper Storage of Waste)

All persons shall endeavor to store waste at proper places or facilities in a proper manner so that it does not disperse, flow out, or permeate into the soil before it is removed from Antarctica or disposed of in a manner described in the preceding Article.

Article 18 (Prohibition against the Introduction of Polychlorinated Biphenyls)

Article 18 No person shall introduce Antarctica polychlorinated biphenyls (PCBs) or other materials designated by a Cabinet order as being hard to be removed or having a serious impact on the Antarctic Environment when they are disposed of after becoming waste,

except when an ordinance of the Prime Minister's Office decides that such impact on Antarctica is minor.

Section 4 Restrictions for the Protection of Antarctic Specially Protected Areas and Antarctic Historic Sites and Monuments (Articles 19-20)

Article 19 (Restrictions on Entry into Antarctic Specially Protected Areas) No person shall enter an Antarctic Specially Protected Area except for the purposes of engaging in a Specified Activity, for the purposes of conducting Antarctic Activities contained in a certified Antarctic Activity Plan, or with permission or similar administrative treatment for entry pursuant to the provisions of a Related Law or Regulation of a State Party.

Article 20 (Prohibition regarding Antarctic Historic Sites and Monuments) No person shall remove, damage, or destroy any of Antarctic Historic Sites and Monuments.

Chapter IV Control (Articles 21-23)

Article 21 (Collection of Reports) The Director General of the Environment Agency may, to the extent necessary for the enforcement of this Law, ask a Supervisor and those persons performing acts in Antarctica to report on the status of their performance and other necessary matters.

Article 22 (On-the-Spot Inspections)

1. The Director General of the Environment Agency may, to the extent necessary for the enforcement of this Law, cause an Agency official to enter into buildings, Japanese ships, or Japanese aircraft in Antarctica that are managed by persons referred to in the preceding Article, to inspect the vehicles, documents, or other things, or to question the persons concerned.
2. The Observers referred to in Article 14, paragraph 2 of the Protocol may, to the extent stipulated by the Protocol, enter into buildings, ships, or aircraft that are managed by persons referred to in the preceding Article, to inspect the vehicles, documents, or other things, or to question the persons concerned.
3. Any Agency official who conducts on-the-spot inspections pursuant to the provisions of paragraph 1 shall carry a certificate verifying his/her identity and show the same to the persons concerned.
4. The powers stipulated in paragraph 1 shall not be construed as authorizing criminal investigations.

Article 23 (Orders for Measures to Be Taken)

1. If a person performing acts in Antarctica violates the provisions of Article 13; Article 14, paragraph 1 or 2; Article 16; or Articles 18 through 20 or performs or attempts to perform in a manner falling under the purview of any of the items in Article 7, paragraph 2 (except as provided for in the ensuing paragraph), the Director General of the Environment Agency may, if he/she determines it necessary for the protection of the Antarctic Environment, order that person or his/her Supervisor to halt such conduct, restore the original conditions within a reasonable period of time, or, if restoration of the original conditions is extremely difficult, take any alternative measures that may be necessary.

2. If the Antarctic Activities included in a certified Antarctic Activity Plan come under the purview of any of the items in Article 7, paragraph 2 due to any change in the Antarctic Environment that occurred after the Certification of the Plan and could not have been presupposed at the time of Certification or due to any advance in scientific knowledge regarding the Antarctic Environment that took place after Certification, and if the Director General of the Environment Agency determines that the said Antarctic Activities cannot be left as they are for fear they will cause serious damage to the Antarctic Environment, he/she may order the Supervisor of the Antarctic Activities or persons performing or seeking to perform acts that constitute the said Antarctic Activities to halt the Antarctic Activities or the acts, and to take any measures that may be deemed necessary for the protection of the Antarctic Environment.

3. If a person who has been ordered to restore the original conditions or to take alternative necessary measures pursuant to the provisions of paragraph 1 fails to comply with the order within the time limit specified in the order, the Director General of the Environment Agency may, on his/her own, restore the original conditions or take alternative necessary measures, as the case may be, and make the person who has failed to comply bear all or part of the expenses therefor.

Chapter V Miscellaneous Provisions (Articles 24-28)

Article 24 (Non-Applicability)

1. The provisions of this Law shall not apply to pollution of the atmosphere, contamination of the quality of water (including deterioration of water condition other than water quality and of the quality of bottom sediment), and pollution of the soil in Antarctica caused by radioactive material, or to measures for the prevention thereof.

2. The provisions of Article 22, paragraph 1 shall not apply to the discharge of waste from a ship or aircraft into the sea area of Antarctic or to the incineration of waste on a ship in the sea area of

Antarctica.

3. The provisions of Articles, paragraphs 1 and 3; Article 11, paragraph 7; Article 14, paragraphs 1 and 2; Article 16; and Articles 18 through 20 shall not apply to acts designated as emergency and compelling cases by an ordinance of the Prime Minister's Office such as acts to protect human life or the human body.

4. Any person performing acts referred to in the preceding paragraph shall, without delay after completing the acts, report the performance of the said acts and circumstances thereof to the Director General of the Environment Agency, pursuant to the provisions of an ordinance of the Prime Minister's Office.

Article 25 (Publicity)

The government shall take proper measures to make outlines of the Protocol and this Law (including orders based thereon and decisions made by the Director General of the Environment Agency on the basis thereof) known to persons performing acts in Antarctica and other persons concerned.

Article 26 (Delegation of Powers)

1. The Director General of the Environment Agency may cause an Agency official, who has been designated beforehand, to exercise in Antarctica the powers provided for in Article 11, paragraph 5 or 6 or Article 23, paragraph 1 or 2.

2. The official referred to in the preceding paragraph shall carry a certificate verifying his/her identity and show the same to the persons concerned.

Article 27 (Transitional Measures)

When issuing, amending, or abolishing an order based on the provisions of this Law, transitional measures (including transitional measures relating to penal provisions) may be adopted to the extent deemed reasonably necessary in order to implement the issuance, amendment, or abolishment of the order.

Article 28 (Entrustment to Ordinances of the Prime Minister's Office)

Other than the provisions of this Law, the procedures for the implementation of this Law and other matters necessary for the enforcement of this Law shall be determined by ordinances of the Prime Minister's Office.

[Chapter VI](#) Penal Provisions (Articles 29-33)

Article 29

Any person who falls under the purview of any of the following items shall be guilty of an offense and liable to penal servitude for a term not exceeding one year or a fine not exceeding one million yen:

- i. a person who violates the provisions of Article 13; Article 14, paragraph 1 or 2 (except item (iii)); Article 18; or Article 20;
- i. a person who violates the provisions of Article 16 (excluding the discharge of waste from a ship or aircraft into the sea area of Antarctica and the incineration of waste on a ship in the sea area of Antarctica);
- i. a person who violates the provisions of Article 19; or
- r. a person who violates an order issued pursuant to the provisions of Article 23, paragraph 1 or 2.

Article 30 Any person who falls under the purview of any of the following items shall be guilty of an offense and liable to penal servitude for a term not exceeding six months or a fine not exceeding five hundred thousand yen:

- i. a person who, in violation of the provisions of Articles , paragraph 1 enters into an area other than the area where the Antarctic Activities specified by a certified Antarctic Activity Plan (including Antarctic Activities referred to in paragraph 2 of the same Article) are to take place, or enters into or stays in an area related to the Antarctic Activities outside the period of time in which the said Antarctic Activities are to take place (excluding cases that fall under the purview of item (iii) of the preceding Article); or
- i. a person who secures Certification through false or other improper means.

Article 31 Any person who enters into an area where Antarctic Activities are designated to take place pursuant to the provisions of Articles, paragraph 2 without reporting as required under paragraph 3 of the same Article shall be guilty of an offense and liable to a fine not exceeding five hundred thousand yen.

Article 32 Any person who falls under -the purview of any of the following items shall be guilty of an offense and liable to a fine not exceeding two hundred thousand yen:

- i. a person who violates the conditions attached to Certification pursuant to the provisions of Article 8, paragraph s (including cases where the same is applied, mutatis mutandis, under Article 9 paragraph 6);
- i. a person who violates the provisions of Article 11, paragraph (7);
- i. a person who fails to file a report referred to in Article 21 or files a false report; or
- r. a person who refuses, obstructs, or evades an on-the-spot inspection, refuses to answer questions, or gives false answers in relation to the provisions of Article 22, paragraph 1 or 2.

Article 33 Where the representative of a juridical person, or a proxy, employee, or any other person in the employ of a juridical or natural person, commits any of the

violations referred to in Articles 29 through 32 in connection with the business activities of the juridical or natural person, the juridical or natural person shall be guilty of the same offense as the offender and liable to the same fine.

Supplementary Provisions

Article 1 (Dates of Enforcement)

The provisions of this Law shall come into force on the dates stipulated in each of the following items:

- i. the provisions of Chapter I (except Article 4); Chapter II (except Article s, paragraph 1 and Article 11, paragraph 7); Article 25, Article 27, Article 28, and Article 30, item (ii); and Article 2, Article 3, Article 8, and Articles 10 through 12 of the Annex shall come into force on the date when the Protocol (except Annex V to the Protocol) becomes effective with respect to Japan (hereinafter referred to as the "Protocol's Effective Date");
- ii. the provisions of Article 20; Article 29, item (i) (only as it relates to Article 20); and Article s of the Annex shall come into force six months after Annex V to the Protocol becomes effective with respect to Japan;
- iii. The provisions of Article s, paragraph 1; Article 11 , paragraph 7; Article 14, paragraph 2; Article 19; Article 29, item (i) (only as it relates to Article 14, paragraph 2 other than item (iii)) and item (iii); Article 30, item (i); Article 32, item (ii); and Articles 6 and 7 of the Annex shall come into force one year after the Protocol's Effective Date; and
- iv. all provisions other than those listed in the three preceding items shall come into force six months after the Protocol's Effective Date.

Article 2 (Abolition of the Law on the Preservation of Fauna and Flora in Antarctica)

The Law on the Preservation of Fauna and Flora in Antarctica (Law No. 58 of 1982) shall be abolished.

Article 3 (Transitional Measures)

1. After the abolition the Law on the Preservation of Fauna and Flora in Antarctica (hereinafter referred to as the "Old Law") pursuant to the provisions of the preceding Article, the provisions of Articles 2 through 4, Articles (except paragraph 2), Article 6, and Articles 9 through 11 of the Old Law, to the degree they relate to the acts stipulated in each item of Article 3 , paragraph 1 , and paragraph 2 of the same Article of the Old Law, shall remain in force until the day immediately preceding the date stipulated in item (iii) of Article 1 of the Annex. In that case, the term "Minister of Foreign Affairs" and "an ordinance of the Ministry of Foreign Affairs" in the provisions shall be construed to mean "Director General of the Environment Agency" and "an ordinance of the Prime Minister's Office,"

respectively.

2. Permission and other treatment existing pursuant to the provisions of the Old Law at the time of enforcement of the provisions referred to in item (i) of Article 1 of the Annex shall be deemed to be permission and other treatment under the provisions of the Old Law which shall remain in force pursuant to the provisions of the preceding paragraph.

3. An Application presented to the Minister of Foreign Affairs pursuant to the provisions of Article s, paragraph 1 of the Old Law prior to the enforcement of the provisions referred to in item (i) of Article 1 of the Annex shall be deemed to have been presented to the Director General of the Environment Agency pursuant to the provisions of Article 5, paragraph 1 of the Old Law, which shall remain in force pursuant to the provisions of paragraph 1.

Article 4

Regarding the application of the provisions of paragraph 1 of the preceding Article during the period from the date specified in item (iv) of Article 1 of the Annex to the day immediately preceding the date specified in item (iii) of the same Article, the wording "Articles 2 through 4" in the said Article shall be construed to mean "Article 2, paragraph 4; Article 3; and Article 4"; the wording "in the provisions" shall be construed to mean "in the provisions, 'Antarctica' shall mean ' Antarctica stipulated in item (i) of Article 3 of the Law on Environmental Protection of Antarctica (Law No. __ of 1997, hereinafter referred to as "Antarctic Environmental Protection Law ")", the wording "Antarctic Class Mammalia" shall be construed to mean "Antarctic Class Mammalia specified in item (x) of Article 3 of the Antarctic Environmental Protection Law" and the wording "Antarctic Class Aves" shall be construed to mean "Antarctic Class Aves specified in item (xi) of Article 3 of the Antarctic Environmental Protection Law.

Article 5

Regarding the application of the provisions of the preceding Article during the period from the date specified in item (ii) of Article 1 of the Annex to the day immediately preceding the date specified in item (iii) of the same Article, the wording "Article 2, paragraph 4; Article 3" in the Article shall be construed to mean "Article 3"; the wording "and the wording" shall be construed to mean "the wording"; and the wording "Article 3 of the Antarctic Environmental Protection Law" shall be construed to mean "'Article 3 of the Antarctic Environmental Protection Law'; and the wording 'Specially Protected Area' shall be construed to mean 'Antarctic Specially Protected Area specified in the provisions of item (v) of Article 3 of the Antarctic Environmental Protection Law.'"

Article 6

1. The provisions of Article 5, paragraph 1 and Article 11 paragraph 7 shall not apply to Antarctic Activities conducted in Antarctica by a person who was already engaged in Antarctic Activities in Antarctica

at the time of the enforcement of the provisions referred to in item (iii) of Article 1 of the Annex and prior to his/her first departure from Antarctica.

2. The provisions of Article 14, paragraph 2 and Article 19 shall not apply to any act (including those mentioned in the provisions of Article 3, paragraph 2 of the Annex) performed by a person referred to in the preceding paragraph in relation to permission he/she has received under item (iii) of Article 4 of the Old Law, which shall remain in force pursuant to the provisions of Article 3, paragraph 1 of the Annex, or to any act referred to in items (i) and (ii) of Article 4 of the Old Law performed by a person referred to in the preceding paragraph.

3. Any person referred to in paragraph 1 shall, without delay after the conclusion of an Antarctic Activity referred to in the same paragraph and in accordance with the provisions of an ordinance of the Prime Minister's Office, submit a report to the Director General of the Environment Agency on matters stipulated in an ordinance of the Prime Minister's Office.

4. Any person who has failed to submit the report referred to in the preceding paragraph or who has made a false report shall be guilty of an offense and liable to a fine not exceeding two hundred thousand yen.

Article 7

Regarding the application of this Law during the period from the date referred to in item (iii) of Article 1 of the Annex to the day immediately preceding the date referred to in item (ii) of the same Article, where the date referred to in item (ii) comes after the date referred to in item (iii), the wording "any Antarctic Specially Protected Area designated in the provisions of Article 3, paragraphs 1 and 3 of Annex V to the Protocol" in item (v) of Article 3 shall be construed to "mean any area designated by the Antarctic Treaty Consultative Meetings, referred to in Article 1 (c) of the Protocol, where protection of the ecosystem is of particular scientific importance"; and the wording "satisfy the requirements determined by an ordinance of the Prime Minister's Office for Antarctic Specially Protected Areas pursuant to the Management Plan referred to in Article 6 of Annex V to the Protocol (in the case of the Antarctic Specially Protected Area for which the Management Plans not designated, the acts must be limited to those indispensable for scientific study)" in item (iii) of Article 7, paragraph 1 shall be construed to mean "satisfy conditions determined by an ordinance of the Prime Minister's Office as not adversely affecting the preservation of the ecosystem in the Antarctic Specially Protected Areas."

Article 8

The application of the penal provisions shall be as heretofore with respect to any act performed before the provisions of Articles 2 and 9 of the Annex came into force or to any act performed after the

enforcement of the provisions of Article 2 of the Annex but before the lapse of the provisions of Articles 9 through 11 of the Old Law, which shall remain in force under the provisions of Article 3 paragraph 1 of the Annex.

Article 9 Partial Amendment to the Law Relating to the Prevention of Marine Pollution and Maritime Disaster	The Law Relating to the Prevention of Marine Pollution and Maritime Disaster shall be amended by adding, after "the designated wastes" in item (iv) of Article 10, paragraph 2, the wording "and by products referred to in item (iv) of Article 16 of the Law on Environmental Protection of Antarctica (Law No. __ of 1997)."
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Article 10 Partial Amendment to the Environment Agency Establishment Law	The Environment Agency Establishment Law (Law No. 88 of 1971) shall be amended by replacing the wording "and the Law for the Protection of Endangered Wild Fauna and Flora (Law No. 75 of 1992)" in item (vii) of Article 4 with the wording "the Law for the Protection of Endangered Wild Fauna and Flora (Law No. 75 of 1992) and the Law on Environmental Protection in Antarctica (Law No. __ of 1997)."
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Article 11 Transitional Measures Concerning Partial Amendment to the Environment Agency Establishment Law	Regarding the application of the provisions of item (vii) of Article 4 of the Environment Agency Establishment Law as amended pursuant to the provisions of the preceding Article and for the period from the date referred to in item (i) of Article 1 of the Annex to the day immediately preceding the date referred to in item (iii) of the same Article, the wording "and the Law on Environmental Protection of Antarctica (Law No. __ of 1997)" shall be amended to read "and the Law on Environmental Protection of Antarctica (Law No. __ of 1997) and the former Law on the Preservation of Fauna and Flora in Antarctica (Law No. 58 of 1982), which shall remain in force pursuant to the provisions of item (i) of Article 3 of the Annex to the Law on Environmental Protection of Antarctica."
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Article 12 Partial Amendment to the Ministry of Foreign Affairs Establishment Law	The Ministry of Foreign Affairs Establishment Law (Law No. 283 of 1951) shall be partially amended by deleting item (xlvi) of Article 4 and changing item (xlvi) to item (xlv) in the same Article.
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