

II. Law Relating to the Prevention of Marine Pollution and Maritime Disaster

1. Law Relating to the Prevention of Marine Pollution and Maritime Disaster (Extracts) (Law No. 136 of 1970 as amended through Law No. 68 of 1998)

Chapter I. General Provisions

(Purpose)

Article 1.

The purpose of this Law is to prevent marine pollution and maritime disaster by controlling the discharge into the ocean of oil, noxious liquid substances and others and wastes from ships, offshore facilities and aircraft and the incineration of oil, noxious liquid substances and others and wastes on a ship and at off-shore facility, by securing appropriate disposal of waste oil and by taking measures for the removal of the discharged oil, noxious liquid substances and others, wastes and other substance, the prevention of occurrence and spread of fire at sea and the prevention of danger to shipping traffic incidental to such fire and the line at sea and by securing appropriate enforcement of international convention on the prevention of marine pollution and maritime disaster, thereby contributing to the preservation of the marine environment and the protection of people's lives and body as well as their property.

(Prevention of Marine Pollution and Maritime Disaster)

Article 2.

Every person shall exert himself not to pollute the ocean by the discharge of oil, noxious liquid substances and others or wastes and by other acts.

2. The master or owner of the ship or the manager or owner of the off-shore facility or off-shore dangerous substance control facility or other persons concerned shall always take precautions against discharge of oil, noxious liquid substances, etc. or dangerous objects, or against a fire at sea so that he can take measures to control the discharged oil, noxious liquid substances, etc., or to fight the fire and prevent the spread of the fire, and shall endeavor to prevent marine pollution and maritime disaster by properly implementing the measures in case of such emergency.

(Definitions)

Article 3.

For the purpose of this Law, the meaning of the expressions mentioned in each of the following items shall be as defined in the respective items:

- (1) "Ship" means floating craft used for navigation in the sea areas including the port areas under the Port Regulations Law (Law No. 174 of 1948 ; hereafter the same shall apply);
- (2) "Oil" means crude oil, heavy oil, lubricating oil, light oil, kerosene, volatile oil and other oils as provided by the Ministry of LIT Ordinance and oily mixture containing these oils (excluding the oil as provided by the Ministry of LIT Ordinance, hereafter referred to as "oil mixture");
- (3) "Noxious liquid substances" means substances as provided by the Cabinet Order for noxious substances from the view point of preservation of marine environment (including the mixture containing these substances), and which is carried as liquid cargo in bulk by a ship, and water ballast, tank washing water and other unnecessary liquid substances which has been generated in a ship containing these substances, in liquid substances other than oil (excluding such substances as liquid petroleum gas and other substances that are not liquid at the normal temperature and which are designated by the Cabinet Order ; the same shall apply in the following Paragraphs)(excluding liquid substances loaded on a ship for the purpose of throwing and combustion for disposal in the sea area and other liquid substances as provided by Order of Cabinet Office);
- (4) "Non-evaluation liquid substances" means substances other than substances as provided by the Cabinet Order as no harmful substances from the viewpoint of preservation of marine environment (including the mixture containing these substances), and which is carried for liquid cargo in bulk by ships, and water ballast, tank washing water and other unnecessary liquid substances which has been generated in a ship containing such substances, in liquid substances other than oil and noxious liquid substance (excluding liquid substances loaded on a ship for the purpose of disposal by throwing and combustion for disposal in the sea area and other liquid substances as provided by Order of Cabinet Office);

- (5) "Noxious liquid substances and others" means noxious liquid substances and non-evaluation liquid substances;
- (6) "Wastes" means substances (excluding oil and noxious liquid substances and others) which have been regarded as useless by a person;
- (7) "Discharge" means to let flow or drop anything to the sea areas;
- (8) "Incineration" means combustion of substances in the sea areas for the purpose of disposal;
- (9) "Tanker" means a ship in which the greater part of the cargo hold is constructed for the carriage of liquid cargo in bulk and a ship in which some part of the cargo hold is constructed for the carriage of liquid cargo in bulk and the content of the said part of the cargo hold is not less than that provided by the Ministry of LIT Ordinance, (excluding that the cargo hold of which is used exclusively for the carriage of cargoes other than oil in bulk);
- (10) "Off-shore facility" means any structure constructed in the sea areas (excluding such facility as persons may come and go between such facility and land through the fixed facilities and such other facilities connected with land that was established exclusively for the discharge of oil or wastes from land) and which is designated by the Cabinet Order;
- (11) "Airplane" means airplane prescribed in the Paragraph 1 of Article 2 of the Aeronautics Law (Law No.231 of 1952);
- (12) "Bilge" means oily mixture stayed at the bottom of a ship;
- (13) "Waste oil" means unnecessary oil which has been produced on board a ship;
- (14) "Waste oil disposal facility" means the whole of the equipment used for disposal (excluding disposal to be conducted on board a ship in which waste oil has been produced ; hereafter the same shall apply) of waste oil (hereafter referred to as "waste oil desposal equipment");
- (15) "Waste oil disposal business" means commercial business to dispose of waste oil, on public demand, by means of waste oil disposal facilities;
- (16) "Dangerous substance" means crude oil, liquified petroleum gas or such other inflammable substances as provided by the Cabinet Order;
- (17) "Maritime Disaster" means damage to human life, body or property caused by the discharge of oil or noxious liquid substance and others or fire at sea.

Chapter II. Regulation of Discharge of Oil from a Ship

(Prohibition of Discharge of Oil from a Ship)

Article 4.

No person may discharge oil from a ship in sea areas. However, this shall not apply to the discharge of oil which falls under any of the following items;

- (1) The discharge of oil for the purpose of securing the safety of a ship or saving human life;
- (2) The discharge of oil, when oil was discharged as a result of damage to a ship or for other unavoidable reasons and all the possible measures to prevent the continuing discharge of oil have been taken.
 2. The provision of the principal clause of the preceding paragraph shall not apply to the discharge of bilge and the other oil (excluding tanker's water ballast, tank washing water and bilge from tanker (hereafter referred to as "water ballast, etc. ") containing cargo oil, referred to as "bilge, etc." in the Paragraph 1 of the following Article) made in accordance with the criteria on the oil content of the discharged oil (specified oil prescribed by the Ministry of LIT Ordinance under the Paragraph 2 of the preceding Article; hereafter the same shall apply), discharge sea area and discharge method as provided by the Cabinet Order.
 3. The provision of the principal clause of the Paragraph 1 shall not apply to the discharge of water ballast, etc. containing cargo oil from a tanker z made in accordance with the criteria on the total quantity of oil content, the instantaneous rate of discharge (meaning the rate of discharge of oil in liters per hour at any instant divided by the speed of the ship in knots at the same instant: hereafter the same), the discharge sea area and the discharge method as provided by the Cabinet Order.
 4. The provision of the principal clause of the Paragraph 1 shall not apply to the discharge of oil from a ship for the purpose of examination, research or investigation concerning the prevention of marine pollution made under the advance approval of the Commandant of the Japan Coast Guard, as provided by the Ministry of LIT Ordinance.

5. A condition may be attached to the approval under the preceding paragraph or the approval may be altered to the extent as may be necessary for the prevention of marine pollution.

(Equipment for Preventing Marine Pollution by Oil, etc.)

Article 5.

The owner of a ship (the ship's husband, in case of co-ownership of the ship; the lessee of a ship, in case of a lease of the ship: hereafter the same shall apply) shall provide on board the ship (excluding ships which produce no bilge) bilge spill prevention device (equipment for preventing oil on board from going into the bottom of the ship or for storage or disposal of bilge, etc. on board: the same shall apply in the Paragraph 4).

2. In addition to those prescribed in the preceding paragraph, a tanker shall be equipped with water ballast spill prevention device (equipments for storage or disposal, on board, of water ballast, etc. containing cargo oil; the same shall apply in the Paragraph 4).

3. In addition to those prescribed in the preceding two paragraphs, a tanker specified by the Ministry of LIT Ordinance shall be equipped with segregated ballast tank (a tank perfectly segregated from cargo tank (which is limited for the use of LITing liquid cargo in bulk) and fuel tank and permanently installed for carriage of water ballast; hereafter the same shall apply) or crude oil washing system (equipments for washing cargo tank by crude oil; the same shall apply in following paragraph).

4. The technical standards concerning the installments of bilge spill prevention device, water ballast spill prevention device, segregated ballast tank and crude oil washing system prescribed in the preceding three paragraphs shall be provided by the Ministry of LIT Ordinance.

Article 5-2.

A cargo tank of a tanker and a segregated ballast tank, which is to be equipped according to the provision of the Paragraph 3 of the preceding Article, shall comply with the technical standards as provided by the Ministry of LIT Ordinance for the prevention of oil spill in large quantity in case where a ship is damaged by collision, stranding or by the other causes.

(Restriction on Loading of Oil and Water Ballast)

Article 5-3.

Oil shall not be carried in a tank forward of the collision bulkhead. This shall not apply to a ship of a gross tonnage less than that provided by the Ministry of LIT Ordinance.

2. Water ballast shall not be carried in a cargo tank of a tanker which is equipped with segregated ballast tank in accordance with the provision of the Paragraph 3 of Article 5 or in a fuel tank of a ship of a gross tonnage specified by the Ministry of LIT Ordinance or more. However, this shall not apply to cases where it is unavoidable to do so for the safety of a ship under a severe weather conditions or to the other cases as provided by the Ministry of LIT Ordinance.

(The Method of Discharging Segregated Water Ballast)

Article 5-4.

The discharge of water ballast from a segregated ballast tank equipped in a tanker shall comply with the method provided by the Ministry of LIT Ordinance.

(Oil Pollution Supervisor)

Article 6.

The owner of a ship shall, for each ship prescribed by the Ministry of LIT Ordinance, appoint an oil pollution supervisor out of the officers on board the ship to have him assist the master (or the person who shall act for the master; hereafter the same) in supervising the business concerning the prevention of improper discharge of oil from the ship.

2. The oil pollution supervisor shall be a person who has the experience and other requirements of handling oil prescribed by the Ministry of LIT Ordinance.

(Manual for the Prevention of Oil Pollution)

Article 7.

The owner of a ship shall, for each ship prescribed by the Ministry of LIT Ordinance lay down a Manual for the Prevention of Oil Pollution in accordance with the Ministry of LIT Ordinance with

respect to the matters concerning the supervision of business on the prevention of improper oil discharge and other matters concerning the prevention of improper oil discharge, such as matters to be observed by persons in charge of the handling of oil (excluding the matters provided by Paragraph 1 of the succeeding Article) and keep or display it on board the ship.

2. The oil pollution supervisor (the master of the ship in the case of a ship in which oil pollution supervisor has not been appointed, hereafter the same shall apply) shall make the items prescribed in the manual for the prevention of oil pollution known to the crews of the ship and the other persons other than the crews who carry out the operations of handling oil among those who are engaged in the works concerning the ship.

(Shipboard Oil Pollution Emergency Plan)

Article 7-2.

The owner of a ship shall, for each ship provided by the Ministry of LIT Ordinance, make a Shipboard Oil Pollution Emergency Plan describing matters concerning measures to be taken immediately by those on board the ship when improper discharge of oil occurred or when there is a danger that such discharge will occur and keep or display it on board the ship.

2. The technical standards concerning the compilation and keeping or display of the Shipboard Oil Pollution Emergency Plan provided by the preceding Paragraph shall be provided by the Ministry of LIT Ordinance.

3. Provision of Paragraph 2 of the preceding Article shall apply mutatis mutandis to a Shipboard Oil Pollution Emergency Plan provided by Paragraph 1 (referred to as "Shipboard Oil Pollution Emergency Plan" in Chapter III-2).

(Oil Record Book)

Article 8.

The master of a ship (the owner of the ship in case of a ship navigating exclusively under tow or pushed by other ship (hereafter referred to as "towed ship, etc. "); the same shall apply in the following Paragraph and Paragraph 3) shall provide an oil record book on board the ship, etc. (at the office of the owner of a ship who administers the ship concerned, in case of a towed ship etc.; the same shall apply in the Paragraph 3). However, this shall not apply to ships other than tankers which produce no bilge.

2. The oil pollution supervisor shall, every time the discharge of oil or any other operation concerning handling of oil on board as provided by the Ministry of LIT Ordinance takes place, enter such events in the oil record book in accordance with the Ministry of LIT Ordinance.

3. The master of a ship shall keep the oil record book on board for three years from the day when the last entry was made.

4. In addition to those prescribed in the preceding three Paragraphs, necessary matters concerning the oil record book such as the form of the oil record book shall be provided by the Ministry of LIT Ordinance.

(Exceptions)

Article 9.

The provisions of the Paragraph 1 of Article 5, Article 5-3 and Article 6 to the preceding Article shall not apply to ships of less than 100 gross tons other than tankers.

2. The provisions of the Paragraph 3 of Article 5 and Article 5-2 (the part concerning the segregated ballast tank) shall not apply to a ship with a cargo tank, a part of which has a structure for the carriage of liquid cargo in bulk, and is prescribed in the item (9) of Article 3.

3. The provisions of Article 6 and Article 7 shall not apply to ships other than Japanese ships (meaning Japanese ships provided in Article 1 of the Ship Law (Law No. 46 of 1899) hereafter the same shall apply ;) (hereafter referred to as "foreign ships".)

Chapter II -2 Regulations of Discharge of Noxious Liquid Substances and Others from a Ship

Section 1. Regulation of Discharge of Noxious Liquid Substances and Others from a Ship

(Prohibition of Discharge of Noxious Liquid Substances from a Ship)

Article 9-2.

No person may discharge noxious liquid substances from a ship in sea areas. However, this shall not apply to the discharge of noxious liquid substances which fall under any of the following items :

- (1) The discharge of noxious liquid substances for the purpose of securing the safety of a ship or saving human life ;
- (2) The discharge of noxious liquid substances, when noxious liquid substances were discharged as a result of damage to a ship or for other unavoidable reasons and all the possible measures to prevent the continuing discharge of noxious liquid substances have been taken.

2. The provision of the principal clause of the preceding paragraph shall not apply to the discharge of water ballast, which was washed in accordance with the criteria of cleansing method provided by the Ministry of LIT Ordinance, in a cargo tank (including the equipment for discharge of water ballast) used for carriage of noxious liquid substances provided by the Ministry of LIT Ordinance.

3. The provision of the principal clause of the Paragraph 1 shall not apply to the discharge of noxious liquid substances from a ship (excluding the discharge of water ballast in accordance with the provision of the preceding paragraph) made in accordance with the criteria on the method of advance treatment, discharge sea areas and the procedures for discharge as provided by the Cabinet Order.

4. In a case where a noxious liquid substance is discharged under the preceding paragraph, if the noxious liquid substance is that prescribed by the Cabinet Order as the noxious liquid substance to the discharge of which it is necessary to pay special attention in view of marine environment protection; a person who intends to discharge the noxious liquid substance from a ship shall obtain confirmation that the advance treatment to be done by the person is in accordance with the criteria as provided by the Cabinet Order from the Commandant of the Japan Coast Guard or the agent designated by the Commandant of the Japan Coast Guard(hereafter referred to as "the designated confirmation agent") (When the advance treatment is to be done in a foreign country which is a party to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereafter referred to as " the Protocol " and "party to the Procol") the agent appointed or designated by the government of the party to the Protocol). However, this shall not apply to a case where the advance treatment is to be done in a foreign country other than parties to the Protocol.

5. The confirmation under the preceding paragraph shall be made upon the application of the person who intends to obtain the confirmation under the paragraph.

6. Other than those prescribed in the preceding two paragraphs, the application from of confirmation, delivery of confirmation certificate and other matters necessary for confirmation shall be prescribed by Ministry of LIT Ordinance.

(Equipment for Preventing Marine Pollution by Noxious Liquid Substances.)

Article 9-3.

The owner of a ship carrying noxious liquid substances provided by the Ministry of LIT Ordinance shall provide on board the ship equipment for storage or disposal of noxious liquid substances in the ship and other equipment for preventing marine pollution by the discharge of noxious liquid substances (hereafter referred to as "noxious liquid substances discharge prevention devices" in the following paragraph).

2. The technical standards concerning the installment of noxious liquid substances discharge prevention devices prescribed in the preceding paragraph shall be provided by the Ministry of LIT Ordinance.

3. A cargo tank of a ship which carries the noxious liquid substances provided by the Ministry of LIT Ordinance shall be installed complying with the technical standards as provided by the Ministry of LIT Ordinance for the preventing discharge of noxious liquid substances in large quantity in case where the ship was damaged or involved in other accidents due to collision, stranding or other causes.

Article 9-4.

Omitted

(Noxious Liquid Substances Record Book)

Article 9-5.

The master of a ship carrying noxious liquid substances (in case of a towed ship, etc., owner of the ship; the same shall apply to Paragraph 3) shall keep a noxious liquid substance record book on board

the ship (in case of a towed ship, etc., in the office of the owner of the ship who manages the ship; the same shall apply to Paragraph 3).

2. Omitted

3. The master of a ship shall keep the noxious liquid substance record book on board for three years from the day when the last entry was made.

4. In addition to those prescribed in the preceding three paragraphs, necessary matters concerning the noxious liquid substance record book such as its form shall be provided by the Ministry of LIT Ordinance.

(Non-evaluation liquid substances)

Article 9-6.

Paragraph 1 of Article 9-2 shall mutatis mutandis apply to non-evaluation noxious liquid substances.

2. A person who intends to carry non-evaluation substances by ship shall report to that effect to the Minister of LIT in advance as prescribed by the Ministry of LIT Ordinance.

3. The Minister of LIT shall, when he was reported under the preceding paragraph, give notice to the Minister of LIT to that effect. The Minister of LIT shall make evaluation as early as possible whether the reported non-evaluation liquid substances are noxious or not in view of marine environment protection.

Chapter III. Regulation of Discharge of Wastes from a Ship

(Prohibition of Discharge of Wastes from a Ship)

Article 10.

No person may discharge wastes from a ship in sea areas. However, this shall not apply to the discharge of wastes that falls under any of the following items :

- (1) The discharge of wastes for the purpose of securing the safety of a ship or saving human life ;
- (2) The discharge of wastes when the wastes have been discharged due to damage to a ship or for other unavoidable reasons and all the possible measures to prevent the continuous discharge of the wastes has been taken.
 2. The provision of the principal clause of the preceding Paragraph shall not apply to the discharge of wastes which falls under any of the following items :
 - (1) The discharge of excrement, sewage or other similar wastes (hereafter referred to as "excrement etc.") which arise from the daily life of crewmembers and other persons on board the ship (the discharge of excrement etc. defined by the Cabinet Order from a ship whose complement or gross tonnage is not less than those defined by the Cabinet Order, shall be made in accordance with the criteria concerning the sea areas of discharge and the method of discharge as defined by the Cabinet Order).
 - (2) The discharge of refuse or other similar wastes (excluding wastes provided by the Cabinet Order) which arise from the daily life of crewmembers and other persons on board the ship to be made in accordance with the criteria concerning the sea areas of discharge and the method of discharge as defined by the Cabinet Order.
 - (3) The discharge to be made in accordance with the criteria concerning the method of discharge as defined by the Cabinet Order to the place which is to be reclaimed upon license under the Paragraph 1 of Article 2 of the Public Waters Reclamation Law (Law No. 57 of 1921) or upon approval under the Paragraph 1 of Article 42 of the same Law or to the place which is to be established as a place for disposal of wastes ;
 - (4) The discharge, to be made in accordance with the criteria concerning the sea areas of discharge and the method of discharge, provided by the Cabinet Order, of wastes which are allowed to be cast into the sea for disposal by the Cabinet Order mentioned in Paragraph 2 or Paragraph 3 of Article 6-2 or Paragraph 1 of Article 12 or paragraph 1 of Article 12-2 of the Waste Disposal and Cleansing Law (Law No. 137 of 1970), mud provided by item (4) of Article 16 of the Law Relating to the Antarctic Environment Protection Law (Law No. 61 of 1997) and other wastes which are inevitable to be disposed of at sea as defined by the Cabinet Order.
 - (5) The discharge of wastes loaded in a foreign country which is a Party (hereafter referred to simply as "Party".) to the Convention of the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (hereafter referred to as "marine dumping control treaty".) to be made in accordance with the

provisions of legislation of the Party (excluding the discharge made in the surrounding sea areas of Japan) provided by the Cabinet Order. (hereafter referred to as "the surrounding sea areas of Japan".)

(6) The discharge of wastes made for the reclamation in internal waters or territorial waters of foreign countries.

3. In a case where the wastes is discharged under Item (4) of the preceding article, if the wastes is that prescribed by the Cabinet Order as the wastes to the discharge of which it is necessary to pay special attention in view of marine environment protection, a person who intends to discharge the wastes from a ship shall obtain confirmation that the plan for the discharge is in accordance with the criteria of the item from the Commandant of the Japan Coast Guard submitting written application of confirmation in advance of loading the ship with the wastes (in advance of discharge when the wastes is produced on board the ship).

4. The Commandant of the Japan Coast Guard shall, when he has accepted the written application of the preceding Paragraph and has confirmed that the plan for the discharge comply with the criteria under the item (4) of Paragraph 2, issue to the applicant a certificate of confirmation of discharge.

5. The person who has obtained the certificate of confirmation of discharge shall have it on board the ship which is in charge of the discharge of the waste.

6. In addition to those prescribed in the preceding three Paragraphs, necessary matters concerning confirmation such as the application form of discharge, the form of certificate of confirmation of discharge shall be provided by the Ministry of LIT Ordinance.

(Regulation for Preventing Pollution by Shipboard Wastes)

Article 10-2.

The owner of a ship shall, for each ship prescribed by the Ministry of LIT Ordinance, make Regulation for Preventing Pollution by Shipboard Wastes as prescribed by the Ministry of LIT Ordinance on the matters to be observed by those who carry out works of shipboard waste (the refuse or other similar waste which arises from the daily life of crewmembers and other persons on board the ship and other waste prescribed by the Cabinet Order; hereafter the same) and other matters for preventing improper discharge of shipboard wastes, and have and display the Regulation on board the ship.

2. The master of the ship shall make the matters prescribed in the Regulation for Preventing Pollution by Shipboard Waste known to the crewmembers of the ship and the persons other than the crewmembers who carry out the works of handling shipboard wastes among those who are engaged in the works concerning the ship.

(Shipboard Waste Record Book)

Article 10-3.

The master of the ship engaged in international voyage (the voyage between one country and another; hereafter the same) prescribed by Ministry of LIT Ordinance shall have a Shipboard Wastes Record Book on board the ship.

2. The master of the ship under the preceding paragraph shall, every time discharge of shipboard waste or other works concerning the handling of shipboard waste prescribed by the Ministry of LIT Ordinance takes place enter such events in the Shipboard Wastes Record Book prescribed by the Ministry of LIT Ordinance.

3. The masters of a ship shall keep on a board the Shipboard Wastes Record Book for two years from the day when the last entry was made.

4. In addition to those prescribed in the preceding three paragraphs, the form of the Shipboard Wastes Record Book and other matters necessary for the Shipboard Wastes Record Book shall be prescribed by the Ministry of LIT Ordinance.

(Display of Matters to be Observed Concerning Discharge of Shipboard Waste and Others)

Article 10-4.

The owner of a ship prescribed by the Ministry of LIT Ordinance shall display within the ship, as prescribed by the Ministry of LIT Ordinance, the matters concerning discharge of shipboard waste to be observed by the crewmembers and other persons on board the ship and other matters for preventing

improper discharge of shipboard waste, so that they can easily be seen by the crewmembers and other persons on board the ship.

(Registration of Wastes Discharge Ships)

Article 11.

The owner of a ship intending to employ his ship continually for discharge of wastes in accordance with the item (3) or (4) of the Paragraph 2 of Article 10 shall obtain registration of the said ship by the Commandant of the Japan Coast Guard.

Article 12.

The owner of a ship intending to apply for the registration mentioned in the preceding Article shall submit to the Commandant of the Japan Coast Guard a written application stating the following items :

- (1) Name and address of the owner of the ship and, in case of a juridical person, name and address of a representative thereof ;
- (2) Official number, name, quality, gross tonnage and navigating area of the ship ;
- (3) Main loading place of wastes ;
- (4) Specifications of wastes;
- (5) Outline of the equipment for loading and discharge of wastes of the ship and other equipment and structure of the ship as provided by the Ministry of LIT Ordinance ;
- (6) Other matters provided by the Ministry of LIT Ordinance.

2. The Commandant of the Japan Coast Guard shall, when he has accepted the written application mentioned in the preceding Paragraph, register the ship, except when the equipment and structure of the ship fail to comply with the technical standards provided by the Ministry of LIT Ordinance for securing proper discharge of wastes.

Article 13.

The Commandant of the Japan Coast Guard shall, when he has made registration provided in Article 11, notify the applicant by designating the registration number and issue a registration certificate.

2. The owner of a registered ship shall keep the registration certificate on board the ship and display clearly the designated registration number outside the hull so as to be easily seen in accordance with the method provided by the Ministry of LIT Ordinance.

Article 14.

When there has been any change in the matters mentioned in each item of the Paragraph 1 of Article 12 with respect to the ship registered under Article 11, or when the owner of the ship discontinued the continual use of the ship registered under Article 11 for discharge of wastes in accordance with the provision of item (3) or (4) of the Paragraph 2 of Article 10, the owner of the ship shall, without delay, report to the Commandant of the Japan Coast Guard to that effect.

(Cancellation of Registration)

Article 15.

The Commandant of the Japan Coast Guard may, when he considers that a ship registered under Article 11 has come to fail to comply with the technical standards provided by the Ministry of LIT Ordinance under the Paragraph 2 of Article 12, cancel the registration of the ship.

(Wastes Disposal Record Book)

Article 16.

The master of a ship registered under Article 11 (the owner of a ship, in case of a towed ship, etc. ; the same shall apply in the following Paragraph and Paragraph 3) shall keep a wastes disposal record book on board the ship (at the office of the ship who manages the ship in case of a towed ship, etc.).

2. The master of a ship shall, whenever the discharge of wastes and other works concerning the handling of wastes which are prescribed by the Ministry of LIT Ordinance have taken place on board the ship, make entry in the wastes disposal record book as provided by the Ministry of LIT Ordinance.

3. The master of a ship shall keep the wastes disposal record book on board the ship for two years from the day when the last entry was made.

4. In addition to those prescribed in the preceding three Paragraphs, the form of the wastes disposal record book and other matters necessary for the wastes disposal record book shall be provided by the Ministry of LIT Ordinance.

(Reporting of Temporary Discharge)

Article 17.

The owner of a ship other than the ship which has been registered under Article 11 shall, every time he uses the ship for the discharge of the wastes (excluding that provided by the Cabinet Order under the Paragraph 3 of Article 11) provided by item (4) of the Paragraph 2 of Article 10 in a quantity not less than that provided by the Ministry of LIT Ordinance and in accordance with the item(4), report to the Commandant of the Japan Coast Guard in advance as provided by the Ministry of LIT Ordinance.

Chapter III-2. Surveys, etc. of Ship's Marine Pollution Prevention Devices, and Shipboard Oil Pollution Emergency Plan, etc.

(Regular Survey)

Article 17-2.

The owner of a ship, which shall be equipped with marine pollution prevention devices, (defined as device mentioned in the Paragraph 1 to 3 of Article 5 or the Paragraph 1 of Article 9-3 ; hereafter the same shall apply.) and is required by the Ministry of LIT Ordinance according to its use, navigation area and the size etc, to be subject to a survey conducted by the Minister for LIT in order to minimise the marine pollution once oil or noxious liquid substance is discharged from the ship, and a ship which shall be provided with or display a Shipboard Oil Pollution Emergency Plan (excluding ships provided by the Ministry of LIT Ordinance as its provided or displayed Shipboard Oil Pollution Emergency Plan's compliance with the technical standard provided in the Paragraph 2 of Article 7-2 can be confirmed by methods other than the survey conducted by the Minister of LIT) (hereafter referred to as "survey-requiring ship") shall have the marine pollution prevention devices equipped on board the ship (including the cargo tank in case of a tanker or a ship prescribed in the Paragraph 3 of Article 9-3, hereafter referred to as "marine pollution prevention devices, etc.") and a Shipboard Oil Pollution Emergency Plan provided or displayed on board the ship surveyed regularly by the Minister for LIT when he intends to use the ship for navigation for the first time.

The same applies when a person intends to continue to use a survey requiring ship for navigation, for which he has been obtained a marine pollution prevention certificate prescribed in the Paragraph 1 of the following Article, after the certificate expires.

(Marine Pollution Prevention Certificate)

Article 17-3.

The Minister of LIT shall, when he considers that the marine pollution prevention devices, etc. and Shipboard Oil Pollution Emergency Plan comply with the technical standards provided in the Paragraph 4 of Article 5 or Article 5-2 or the Paragraph 2 or 3 of Article 9-3 or Paragraph 2 of Article 7-2 (hereafter referred to as "technical standards" in this Chapter) respectively, issue in accordance with the class with regard to the marine pollution prevention devices, etc. and the Shipboard Oil Pollution Emergency Plan Provided by the Ministry of LIT Ordinance a marine pollution prevention certificate to the owner of a ship.

2. The term of validity of the marine pollution prevention certificate under the preceding Paragraph (hereafter referred to as "marine pollution prevention certificate") shall be five years (for a ship prescribed by the Ministry of LIT Ordinance whose navigation area is the smooth water areas, the term the Minister of LIT otherwise specifies). However, with respect to the ship having the cause prescribed by the Ministry of LIT Ordinance, the Minister of LIT may prolong the term of validity up to three month at the time when the term of validity expires.

3. The clerical work prescribed in the proviso of the preceding Paragraph is conducted by a Japanese consul in a foreign country.

4. In addition to the provisions of the Administrative Complaint Investigation Law (Law No. 160 1962), the necessary matters concerning the request for investigation over the proceeding or nonperformance concerning the clerical work conducted by a consul under the preceding Paragraph shall be provided by the Cabinet Order.

5. When a registration of a ship's classification is cancelled for a ship prescribed in the Paragraph 2 of Article 17-12, it shall be regarded that the marine pollution prevention certificate of the ship has expired.

6. The Minister of LIT may, when he issues a marine pollution prevention certificate, attach necessary conditions as regards use, navigation sea area, etc. of the survey-requiring ship and stipulate them on the certificate.

(Intermediate Survey)

Article 17-4.

The owner of a survey-requiring ship who has been issued a marine pollution prevention certificate shall undergo intermediate survey conducted by the Minister of the marine pollution prevention devices equipped on board the ship and the Shipboard Oil Pollution Emergency Plan provided or displayed on board the ship at a time specified by the Ministry of LIT Ordinance before the marine pollution prevention certificate expires.

(Special Survey)

Article 17-5.

The owner of a survey-requiring ship who has been issued a marine pollution prevention certificate shall, when he remodels or repairs the marine pollution prevention devices, etc. provided by the Ministry of LIT Ordinance or when he makes amendment to the Shipboard Oil Pollution Emergency Plan etc. provided or displayed on board provided by the Ministry of LIT Ordinance, or in other cases provided by Ministry of LIT undergo a special survey conducted by the Minister for LIT of the marine pollution prevention devices, etc. and the Shipboard Oil Pollution Emergency Plan.

(Suspension of Validity of the Certificate)

Article 17-6.

The Minister of LIT shall, when he considers that the survey under the preceding two Articles reveals that the marine pollution prevention devices, etc. equipped on board the ship or the Shipboard Oil Pollution Emergency Plan provided or displayed on board the ship do not comply with the technical standards, suspend the validity of the marine pollution prevention certificate concerning the marine pollution devices, etc. or the Shipboard Oil Pollution Emergency Plan until he confirms that they come comply with the technical standards.

(Provisional Marine Pollution Prevention Certificate)

Article 17-7.

The owner of a survey-requiring ship, who has not been issued a valid marine pollution prevention certificate shall, when he intends to employ the ship for navigation provisionally, undergo a survey conducted by the Minister of LIT of the marine pollution prevention devices, etc. equipped on the ship or the Shipboard Oil Pollution Emergency Plan provided or displayed on board the ship.

2. The Minister of LIT shall, when he considers that the survey prescribed in the preceding Paragraph reveals that the marine pollution prevention devices, etc. and the Shipboard Oil Pollution Emergency Plan comply with the technical standards, issue in accordance with the class of marine pollution prevention devices provided by the Ministry of LIT Ordinance referred to in Paragraph 1 of Article 17-3 a provisional marine pollution prevention certificate with specified term of validity to the owner of the ship.

3. The Minister of LIT may, when he issues a provisional marine pollution prevention certificate prescribed in the preceding Paragraph (hereafter referred to as "provisional marine pollution prevention certificate"), attach necessary conditions as regards the navigation sea area of the surveyed ship and other matters and stipulate it on the marine pollution prevention certificate.

(Marine Pollution Preventin Survey Pocket Book)

Article 17-8.

The Minister of LIT shall issue a marine pollution prevention survey pocket book to the owner of a surveyed ship which has passed the initial regular survey for recording the matters concerning the

survey prescribed in Article 17-2, 17-4, 17-5 or the Paragraph 1 of the preceding Article (hereafter referred to as "legal survey").

(International Marine Pollution Prevention Certificate)

Article 17-9.

The Minister of LIT shall, upon application, issue in accordance with the class of marine pollution prevention devices provided by the Ministry of LIT Ordinance referred to in Paragraph 1 of Article 17-3 an international marine pollution prevention certificate to the owner of a survey-requiring ship which engages in an international voyage.

2. The Minister for LIT shall, when he issues the international marine pollution prevention certificate prescribed in the preceding Paragraph(hereafter referred to as "international marine pollution prevention certificate"), examines the items described in the marine pollution prevention certificate on the provisional marine pollution prevention certificate or the ship inspection certificate (defined as the ship inspection certificate under the Paragraph 1 of Article 9 of the Ship's Safety Law (Law No. 11, 1933)) or the special navigation permit (under the Paragraph 2 of the same Article) and other matters of the survey requiring ship.

3. An international marine pollution prevention certificate shall expire on the day when the marine pollution prevention certificate expires (or the day when provisional marine pollution prevention certificate expires in case of a ship for which a provisional marine pollution prevention certificate has been issued.)

4. The provisions of the proviso of the Paragraph 2 of Article 17-3, Paragraph 5 and 6, and Article 17-6 shall apply mutatis mutandis to an international marine pollution prevention certificate.

(Navigation of Survey-requiring Ship)

Article 17-10.

A survey-requiring ship may not be employed for navigation without a valid marine pollution prevention certificate or a provisional marine pollution prevention certificate.

2. A survey-requiring ship may not be employed for an international voyage without a valid international marine pollution prevention certificate.

3. A survey-requiring ship may not be employed for navigation unless fulfilling the conditions stipulated on a marine pollution prevention certificate, a provisional marine pollution prevention certificate or an international marine pollution prevention certificate.

4. The provisions of the Paragraph 1 and the preceding Paragraph shall not apply to the case of a trial run for a legal survey or for a survey prescribed in the Paragraph 1 of Article 5 of the Ship's Safety Law.

(Provision of Marine Pollution Prevention Certificate, etc.)

Article 17-11.

The owner of a ship who has been issued a marine pollution prevention certificate, a provisional marine pollution prevention certificate, an international marine pollution prevention certificate or a marine pollution prevention survey pocket book, shall have these certificates or the pocket book on board the survey-requiring ship.

(Survey by the Classification Society)

Article 17-12.

The Minister of LIT may authorize a juridical person established under the provision of Article 34 of the Civil Law which carries out a business concerning the registration of ship's classification as a person who carries out a survey of the marine pollution prevention devices, etc, and the Shipboard Oil Pollution Emergency Plan, upon his application.

2. The survey-requiring ship, the marine pollution prevention devices, etc. and the Shipboard Oil Pollution Emergency Plan of which has been surveyed by the authorized juridical person prescribed in the preceding Article (hereafter referred to as "Classification Society") and the classification of which has been registered, is regarded to have the marine pollution prevention devices, etc. and the Shipboard Oil Pollution Emergency Plan surveyed and acknowledged as complying with the technical standards by the Minister of LIT.

3. Omitted.

(Re-survey)

Article 17-13.

A person who is dissatisfied with the result of the legal survey may make an application for a re-survey to the Minister of LIT with a written document which describes the reasons for complaint within thirty days reckoning from the next day bring a lawsuit for the of the date on which he was notified of the result of the survey.

2. A person who is dissatisfied with the result of the re-survey may appeal of cancellation of the re-survey.

3. A person who has made an application for the re-survey, may not make any alteration to the present state of the parts concerned without having received a permission from the Minister of LIT.

4. A person who is dissatisfied with the result of the legal survey may appeal it only by due process of the provisions of the Paragraphs 1 and 2.

(Order of Conformity to the Technical Standards)

Article 17-14.

The Minister of LIT may, when he considers that the marine pollution prevention devices, etc. equipped, or the Shipboard Oil Pollution Emergency Plan provided or displayed on board a ship have come to fail to comply with the technical standards, order the owner of the ship to return the marine pollution prevention certificate or the provisional marine pollution prevention certificate, to remodel or repair the marine pollution prevention devices, etc, to amend the Shipboard Oil Pollution Emergency Plan and to take other necessary measures.

2. The Minister of LIT may, when the owner of the ship does not obey the order prescribed in the preceding Paragraph and he considers that the continuation of the navigation might cause hindrance to the preservation of marine environment, order the owner or the master of the ship to stop its navigation or suspend its navigation.

3. A staff of the Ministry of LIT who is to be designated in advance by the Minister of LIT may, in cases provided in the preceding Paragraph if he deems that there is an emergent necessity to preserve marine environment instantly execute the authority of the Minister of LIT provided in the same Paragraph.

4. The Minister for LIT shall, when he considers that the fact provided in the Paragraph 1 ceased for the ship concerning the proceeding provided in the Paragraph 2, cancel the proceeding.

Article 17-15.

Omitted.

(Exception for a Foreign Ship)

Article 17-16.

The provisions of Article 17-2 to 17-14 inclusive shall not apply to a foreign ship. However, this shall not apply to a foreign ship which navigates only between ports or within a port in Japan.

(Supervision of a Foreign Ship)

Article 17-17.

The Minister of LIT may, when he considers that the marine pollution prevention devices, etc. equipped or the Shipboard Oil Pollution Emergency Plan provided or displayed on a foreign ship which is at a mooring facility in a port or along the coast of Japan (excluding foreign ships specified in the proviso of the preceding article ; referred to as a "foreign ship to be supervised" in the next paragraph), fails to comply with the technical standards, order the master of the ship to remodel or repair the marine pollution prevention devices, etc, to amend the Shipboard Oil Pollution Emergency Plan and to take other appropriate measures.

2. When the Minister of LIT considers that a crew member of a foreign ship to be supervised engaged in operations related to the handling of oil or noxious liquid substances does not have knowledge of the instructions to be obeyed relating to the handling that are specifically required by the Ministry of LIT Ordinance (hereinafter referred to as "specific instructions to be obeyed") or that the crewmember cannot perform the operations in accordance with the specific instructions to be obeyed, he may order

the master of the ship to make the crew member acquire the necessary knowledge of the specific instructions to be obeyed and take steps necessary to perform operations in accordance with the specific instructions to be obeyed.

3. The provisions of the Paragraphs 2 to 4 inclusive of Article 17-14 shall apply mutatis mutandis to the case under the preceding two Paragraphs. In this case, "the owner of the ship" shall be read as "the master of the ship" and "the owner or the master of the ship" to "the master of the ship" in Paragraph 2 of the Article, and "Paragraph 1" shall be read as "Paragraph 1 or 2 of Article 17-17" in Paragraph 4 of the Article.

(IOPP Certificate issued by the Government of the party to the Protocol)
Article 17-18.

The owner or the master of a Japanese ship which is a survey-requiring ship shall, when he intends, from the government of foreign country which is a party to the Protocol to obtain an IOPP certificate (which is defined as a document issued as a certificate stipulated in the Protocol and certifies that the ship's marine pollution prevention devices, etc. and the Shipboard Oil Pollution Emergency Plan comply with the standards stipulated in the Protocol issued by a party to the Protocol, hereafter the same shall apply.), make an application through a consul of Japan.

2. The IOPP certificate which has been issued under the provision of the preceding Paragraph shall be regarded as an international marine pollution prevention certificate issued by the Minister of LIT under the provision of the Paragraph 1 of Article 17-9.

(Issue of Certificate for a Ship of a Party to the Convention)
Article 17-19.

The Minister of LIT may, when he was requested by a Government of a party to the Protocol to issue a certificate corresponding to an international marine pollution prevention certificate to a ship of the party (excluding the foreign ship prescribed under the proviso of Article 17-16), carry out a survey which is equivalent to one under the provision of Article 17-12 for the marine pollution prevention devices, etc. equipped, and the Shipboard Oil Pollution Emergency Plan provided or displayed on board the ship and he may issue the certificate corresponding to an international marine pollution prevention certificate to the master of the ship when he considers that the survey reveals that the marine pollution prevention devices, etc. and the Shipboard Oil Pollution Emergency Plan comply with the technical standards.

(Mandate to Ministry of LIT Ordinances)
Article 17-20.

The application form of survey, the method of survey, the other necessary matters for survey of marine pollution prevention devices, etc. equipped, or the Shipboard Oil Pollution Emergency Plan, the forms of marine pollution prevention certificate, provisional marine pollution prevention certificate and international marine pollution prevention certificate, issuance, reissuance, renewal of these certificates and the other necessary matters concerning these certificates shall be provided by the Ministry of LIT Ordinances.

Chapter IV. Regulation of Discharge of Oil and Wastes from an Off-shore Facility and an Airplane

(Prohibition of Discharge of Oil and Wastes from an Off-shore Facility and an Airplane)
Article 18.

No person may discharge oil or wastes from an off-shore facility or an airplane in sea area. However, this shall not apply to the discharge of oil or wastes that falls under any of the following items :

- (1) The discharge of oil or wastes for the purpose of securing the safety of the off-shore facility or the airplane, or saving human life ;
- (2) The discharge of oil or wastes when the oil or wastes has been discharged due to damage to the off-shore facility or to the airplane, or for other unavoidable reasons and all the possible measures to prevent the continuous discharge of oil or wastes has been taken.

2. The provision of the principal clause of the preceding Paragraph shall not apply to the discharge of oil or wastes from the off-shore facility that falls under any of the following items :

- (1) The discharge of excrement etc. which arise from the daily life of persons in the off-shore facility (the discharge of excrement etc. as defined by the Cabinet Order from an off-shore facility whose capability of accommodation is not less than the number of persons as defined by the Cabinet Order under item (1) of Paragraph 2 of Article 10, shall be made in accordance with the criteria concerning the method of discharge defined by the Cabinet Order);
- (2) The discharge of refuse or other similar wastes which arise from the daily life of persons in the off-shore facility (excluding the wastes provided by the Cabinet Order under the item (2), Paragraph 2 of Article 10) and shall be made in accordance with criteria concerning the sea area and the method of discharge defined by the Cabinet Order.
- (3) The discharge of oil or the wastes prescribed in item (4) of the Paragraph 2 of Article 10 (excluding the wastes provided by the Cabinet Order under the Paragraph 3 of Article 10) to be made in accordance with the criteria concerning the method of discharge defined by the Cabinet Order.
3. The provision of the principal clause of the Paragraph 1 shall not apply to the discharge of oil or wastes that falls under any of the following items:
 - (1) The discharge of sewage' oil or wastes provided by the Cabinet Order, which arise from daily life of persons on board the airplane, and the discharge of which in sea area is unavoidable:
 - (2) The discharge of wastes loaded in a Party to be made in accordance with the provisions of the legislation of that country (excluding the discharge made in the surrounding sea areas of Japan).
4. The provisions of the Paragraphs 4 and 5 of Article 4 shall apply mutatis mutandis to the discharge of oil from an airplane for the purpose of examination, research or investigation concerning the prevention of marine pollution.

(Notification of Establishment of an Off-shore Facility)
Article 18-2.

A person who intends to establish an off-shore facility shall, as provided by the Ministry of LIT Ordinance. report to the Commandant of the Japan Coast Guard of the following matters:

- (1) Name and address of the person who establishes the off-shore facility and, in case of a juridical person, the name and address of the representative thereof ;
- (2) Location and the outline of the off-shore facility;
- (3) Other matters provided by the Ministry of LIT Ordinance.

2. The person who has made a notification in accordance with the preceding Paragraph shall, when there is any change in the matters in the notification, notify, without delay, the Commandant of the Japan Coast Guard of the change as provided by the Ministry of LIT Ordinance.

(Oil Record Book for Off-shore Facility)
Article 19.

The manager of an off-shore facility provided by the Ministry of LIT Ordinance, where oil handling is carried out, shall provide an oil record book at the off-shore facility. However, when it is difficult to provide it at the off-shore facility, it may be provided at the office of the manager of the off-shore facility.

2. The manager of the off-shore facility provided in the preceding Paragraph shall, every time the loading of oil or any other operation concerning handling of oil at the off-shore facility, as provided by the Ministry of LIT Ordinance, takes place, make entry in the oil record book as provided by the Ministry of LIT Ordinance.

3. The Manager of the off-shore facility shall keep the oil record book at his office for three years from the day when the last entry was made.

4. In addition to those prescribed in the preceding three Paragraphs, necessary matters concerning the oil record book such as the form of the oil record book shall be provided by the Ministry of LIT Ordinance.

(Regulation for Preventing Pollution by Off-shore Facility Wastes)
Article 19-2.

The manager of an off-shore facility prescribed by the Ministry of LIT Ordinance shall make Regulation for Preventing Pollution by Off-shore Facility Wastes prescribed by the Ministry of LIT Ordinance on the matters to be observed by those who carry out works of handling off-shore facility

wastes (the refuse or other similar wastes which arises from daily life of the persons in the off-shore facility and other wastes prescribed by the Cabinet Order; hereafter the same) and other matters for preventing improper discharge of off-shore facility wastes, and keep and display the Regulation in the off-shore facility. However, when it is difficult to keep or display it in the off-shore facility, it may be kept at the office of the manager of the off-shore facility.

2. The manager of the off-shore facility shall make the matters prescribed in the Regulation for Preventing Pollution by Off-shore Facility Wastes known to the persons in the off-shore facility who carry out the works of handling the off-shore facility wastes. (Display of Matters to be Observed Concerning the Discharge of Off-shore Facility and Others)

Article 19-2-2.

The manager of an off-shore facility prescribed by the Ministry of LIT Ordinance shall, as prescribed by the Ministry of LIT Ordinance, display in the off-shore facility the matters to be observed by those who are in the off-shore facility concerning the discharge of off-shore facility wastes and other matters for preventing improper discharge of off-shore facility wastes so that they can easily be seen by those who are in the off-shore facility.

Chapter IV-2. Regulation of Incineration of Oil Noxious Liquid Substance and others and Wastes On a Ship or at an Off-shore Facility

(Control on Incineration of Oil Noxious Liquid Substance and others and Wastes)

Article 19-2-3.

No person may incinerate oil, noxious liquid substances and others or wastes (referred to as "oil, etc." in this Article and the following Article) incineration of which is prescribed in the Cabinet Order as that feared to be remarkably obstructive to the preservation of marine environment on a ship or at an off-shore facility.

2. A person who intends to incinerate oil, etc. other than those provided by the Cabinet Order under the preceding Paragraph shall incinerate them in accordance with the criteria of the incineration sea area and incineration method as provided by the Cabinet Order.

3. In a case where incineration of oil etc. takes place under the preceding paragraph, a person who intends to incinerate the oil, etc. which are specified by the Cabinet Order to pay special attention to from the viewpoint of preservation of marine environment in accordance with the provision under the preceding Paragraph, shall submit to the Commandant of the Japan Coast Guard a written application and have it confirmed that the plan for the incineration complies with the criteria prescribed in the said Paragraph prior to the loading of the oil, etc. onto the ship or to the off-shore facility or prior to the incineration when the oil, etc. are produced in the ship or at the off-shore facility.

4. The Commandant of the Japan Coast Guard shall, when he has accepted the written application of the preceding Paragraph and has confirmed that the plan for incineration complies with the criteria under the Paragraph 2, issue to the applicant a certificate of confirmation of incineration.

5. The person who has obtained the certificate of confirmation of incineration issued shall keep it on board the ship or at the off-shore facility which is employed for the incineration of the oil, etc.

6. In addition to those prescribed in the preceding three Paragraphs, necessary matters concerning confirmation such as the application form for incineration, the form of certificate of confirmation of incineration shall be provided by the Ministry of LIT Ordinance.

7. The provisions under the Paragraphs 1 to 5 inclusive shall not apply to the incineration of oil, etc. which falls under any of the following item:

- (1) The incineration of unnecessary oil, etc. which arise from the daily life of the persons on board the ship or at the off-shore facility and the other unnecessary oil, etc. which are produced in the ship on the facility provided by the Cabinet Order;
- (2) The incineration of oil or wastes for the survey under the Paragraph 1 of the following Article or Paragraph 1 of Article 19-4 ;
- (3) The incineration of oil, etc. loaded in a Contracting Party (excluding the Parties where the provisions for the control of incineration of wastes and other matter at sea in the "Convention of the Prevention of Marine Pollution by Dumping of Wastes and Other Matter" have not been effective, hereafter, the

same shall apply.) to be made in accordance with the provisions of the legislation of that country (excluding the incineration made in the surrounding sea areas of Japan).

(Survey of Incineration System and Others)

Article 19-3.

The owner of a ship or the installer of an off-shore facility shall, when he intends to employ the equipment (hereafter referred to as "incineration system") for incineration of oil, etc. specified by the Cabinet Order under the Paragraph 3 of the preceding Article (excluding the oil, etc. prescribed in the item (1), Paragraph 7 of the preceding Article, hereafter referred to as "confirmation-requiring wastes for incineration") for the first time for the incineration of confirmation-requiring wastes for incineration, have the incineration system surveyed by the Minister of LIT. The same shall apply for the first employment of the incineration system for which a certificate of survey of incineration has been issued, after the expiration of the certificate.

2. The Minister of LIT shall, as the result of the survey under the preceding paragraph when he considers that the incineration system comply with the technical standards, issue a certificate of survey of incineration system specifying type of confirmation-requiring wastes for incineration which can be incinerated by the incineration system and the method of incineration (hereafter referred to as "method of incineration, etc.") to the owner of the ship or the installer of the off-shore facility.

3. The term of validity of the certificate of the survey of the incineration system shall be two years.

Article 19-4.

An owner of a ship or an installer of an off-shore facility who has obtained the certificate of survey of incineration system shall, when he intends to make an alteration to or to repair the incineration system as provided by the Ministry of LIT Ordinance or when he intends to employ it altering the method of incineration, etc. specified for the incineration system or other cases as provided by the Ministry of LIT Ordinance, have the incineration system surveyed by the Minister for LIT.

2. The Minister for LIT shall, when he considers necessary as the result of the survey of the preceding Paragraph, alter the method of incineration, etc. specified for the incineration system.

Article 19-5.

The Minister for LIT shall, when he considers that the survey of the Paragraph 1 of the preceding Article reveals that the incineration system fails to comply with the technical standards provided by the Ministry of LIT Ordinance under the Paragraph 2 of Article 19-3. suspend the validity of the certificate of survey of incineration system until he confirms that it comes to comply with the technical standards.

Article 19-6.

The Minister for LIT may, when he considers that the incineration system fails to comply with the technical standards as provided by the Ministry of LIT Ordinance under the Paragraph 2 of Article 19-3, order the owner of a ship or the installer of an off-shore facility who has been obtained the certificate of survey of incineration system to return the certificate or to repair the incineration system.

(Employment of Incineration System)

Article 19-7.

Incineration system may not be employed for the incineration of confirmation-requiring wastes for incineration unless having obtained valid certificate of survey of incineration system.

2. Incineration system may not be employed for the incineration of confirmation-requiring wastes for incineration unless it is employed according to the method of incineration, etc. specified for the incineration system.

3. The provisions of the preceding two Paragraphs shall not apply to the incineration of confirmation-requiring wastes for incineration made for the survey under the Paragraph 1 of Article 19-3 and Paragraph 1 of Article 19-4.

(Provision of the Certificate of Survey of Incineration System)

Article 19-8.

The owner of a ship or the installer of an off-shore facility to whom a certificate of survey of incineration system has been issued, shall have the certificate of survey of incineration system on board the ship or at the off-shore facility.

(Incineration Record Book)

Article 19-9.

The master of a ship or the manager of an off-shore facility to whom a certificate of survey of incineration system has been issued, shall have an incineration system record book on board the ship or at the off-shore facility.

2. The master of a ship or the manager of an off-shore facility shall, every time the incineration of confirmation-requiring wastes for incineration by the incineration system and the other operation concerning handling of the confirmation-requiring wastes for incineration as provided by the Ministry of LIT Ordinance takes place, make entry in the incineration record book as provided by the Ministry of LIT Ordinance.

3. The master of a ship or the manager of an off-shore facility shall keep the incineration record book on board the ship or at the off-shore facility for two years from the day when the last entry was made.

(Mandate to Ministry of LIT Ordinance)

Article 19-10.

The application form of survey, the method of survey, the other necessary matters for survey of incineration system, the form of the certificate of the survey of the incineration system and issuance, re-issuance, renewal of the certificate and other necessary matters concerning the certificate, and the form of incineration record book and other necessary matters concerning incineration record book shall be provided by the Ministry of LIT Ordinance.

(Exception for the Incineration system Installed on board a Ship other than Japanese Ships)

Article 19-11.

The Provisions of the Paragraph 1 of Article 19-3, Paragraph 1 of Article 19-4, Article 19-6 and Paragraph 1 of Article 19-7 shall not apply to an incineration system (excluding one installed on board a Japanese ship or one that falls under the conditions provided by the Ministry of LIT Ordinance) for which a valid document which certifies that the system complies with the legislation concerning incineration systems of a Party has been issued by the Party.

2. When an application for a survey of an incineration system as prescribed in the preceding Paragraph is made, the provision in the preceding Paragraph does not exclude that the Minister of LIT has carries out survey regarding the application as one prescribed in the former half of the Paragraph 1 of Article 19-3. In this case, when the Minister of LIT has issued a certificate of survey of incineration system, the provision under the latter half of the Paragraph 1 of Article 19-3, Paragraph 1 of Article 19-4, Article 19-6 and Paragraph 1 of Article 19-7 shall be applied regardless of the provision under the preceding Paragraph.

3. As for the use of the incineration system prescribed in the Paragraph 1 (excluding one for which the provision under the preceding Paragraph applies), "specified" in the Paragraph 2 of Article 19-7 shall be read as "specified by the Government of a Party" and "certificate of survey of incineration system" in Article 19-8 and the Paragraph 1 of Article 19-9 shall be read as "document under the Paragraph 1 of Article 19-11".

Chapter V. Waste Oil Disposal Business

(Approval and Report of Business)

Article 20.

When a person other than a port administrator intends to conduct oil disposal business, he shall obtain approval of the Minister of LIT for each oil disposal facility.

2. A port administrator, when he intends to conduct oil disposal business, shall report to that effect to the Minister of LIT at least sixty days prior to the date of the commencement of construction of the oil disposal facility (if construction is not required, the date of inauguration of the business).

Article 21.

A person who intends to obtain approval under Paragraph 1 of the preceding Article, shall submit to the Minister of LIT a written application which states the following:

- (1) Name and address of the person who intends to conduct oil disposal business and, in case of a juridical person, name and address of the representative;
- (2) The following information with respect to the oil disposal facility:
 - a. place of the facility (a main operational base in case of a ship which functions as an oil disposal facility);
 - b. sea areas where there are ships which discharge waste oil, in cases where ships or vehicles are employed in collecting the waste oil;
 - c. specifications of the oil disposal facility and its capacity;
 - d. specifications of waste oil to be disposed of.
2. The port administrator who makes report provided in Paragraph 2 of the preceding Article, shall submit to the Minister for LIT a written report which states the items provided in item (2) of the preceding Paragraph.
3. The written application of Paragraph 1 or the written report of the preceding Paragraph shall be submitted with the business program, the specification of the oil disposal facility and other documents provided by the Ministry of LIT Ordinance.

(Disqualification of Approval)

Article 22.

A person who falls under any one of the following items shall be disqualified to obtain approval of Paragraph 1 of Article 20:

- (1) A person who was sentenced to penalty in violation of this Law and for whom one year has not elapsed since the date on which he completed its execution, or on which he became free from its execution;
- (2) A person for whom one year has not elapsed since the date on which the approval of Paragraph 1 of Article 20 was cancelled in accordance with the provisions of Paragraph 1 of Article 33;
- (3) A juridical person any one of whose officers who execute the business falls under any of the preceding two items.

(Standards of Approval)

Article 23.

The Minister of LIT shall not give the approval of the Paragraph 1 of Article 20 unless he considers that the application for the approval conforms to the following items:

- (1) An appropriate program shall be formulated to carry out the business;
- (2) The oil disposal facility for the business shall conform to the technical standards provided by the Ministry of LIT Ordinance;
- (3) The applicant shall be capable of performing the business properly.

(Order of Alteration in an Oil Disposal Facility Prior to Inauguration of the Business)

Article 24.

The Minister of LIT may, when a report is made in accordance with the Paragraph 2 of Article 20 and he considers that the oil disposal facility to be put on service for the business fails to conform to the technical standards provided by the Ministry of LIT Ordinance of item (2) of the preceding Article, order the port administrator who has made the report to alter (to make repair or improvement in a case where construction is not required) the specifications of the oil disposal facility only prior to the commencement of the construction of the report oil disposal facility (or prior to the inauguration of the business in a case where construction is not required).

Article 25.

Deleted.

(Conditions of Waste Oil Disposal)

Article 26.

A waste oil disposal business operator (a person who obtained approval under the Paragraph 1 of Article 20 or reported under the Paragraph 2 of Article 20 hereafter the same) shall provide the conditions of waste oil disposal concerning the waste oil disposal charges and other conditions of the

acceptance of waste oil disposal, and report it to the Minister of LIT in advance. The same shall apply when he alters the conditions.

2. The conditions of waste oil disposal of the preceding Paragraphs shall conform to the following items:

- (1) The charges shall be fair and appropriate in consideration of proper costs under an efficient management;
- (2) The conditions or receipt of charges and the liability of the waste oil disposal business operator shall be provided properly and expressly;
- (3) Unreasonable discrimination against a specific person shall not be made.
- (4) Unreasonable competition with other waste oil disposal business operators shall not be liable to be caused.

3. The Minister of LIT may when he considers that the conditions of waste oil disposal reported by an oil disposal business operator other than port administrators under paragraph do not conform to each item of the preceding paragraph order the waste oil disposal business operator to alter the conditions of waste oil disposal with a time limit.

(Prohibition of the Discrimination)

Article 27.

A waste oil disposal business operator shall not unreasonably discriminate against specific persons.

(Alteration of Waste Oil Disposal Facility and Others)

Article 28.

A waste oil disposal business operator other than a port administrator shall obtain approval of the Minister of LIT when he intends to alter the matters of item (2) of the Paragraph 1 of Article 21, except when he makes minor alteration as provided by the Ministry of LIT Ordinance.

2. The provisions of Article 23 shall mutatis mutandis apply to the approval under the preceding Paragraph.

3. A waste oil disposal business operator who is a port administrator, when he intends to alter the matters of item (2) of the Paragraph 1 of Article 21, shall report to the Minister of LIT to that effect at least thirty days prior to the date of the commencement of works for alteration of the waste disposal facility (in a case where works is not required, the date of alteration). However, this shall not apply to the minor alteration as provided by the Ministry of LIT Ordinance under the proviso of Paragraph 1.

4. The provision of Article 24 shall mutatis mutandis apply to a case where report under the provision of the preceding Paragraph is made. In this case, the term "prior to the inauguration of the business" in the Article shall read "prior to the alteration".

5. A waste oil disposal business operator, when he has made minor alteration provided by the Ministry of LIT Ordinance under the proviso of the Paragraph 1, shall report without delay to the Minister of LIT to that effect.

(Alteration of Name and Others)

Article 29.

A waste oil disposal business operator other than a port administrator, when alteration in the matters under item (1) of the Paragraph 1 of Article 21 has been made, shall report without delay to the Minister of LIT to that effect.

(Maintenance of Waste Oil Disposal Facility and Others)

Article 30.

A waste oil disposal business operator shall maintain the waste oil disposal facility in service for the business so as to have it conform to the technical standards provided by the Ministry of LIT Ordinance under item (3) of Article 23.

2. A waste oil disposal business operator shall dispose of oil in accordance with the technical standards provided by the Ministry of LIT Ordinance concerning the method of waste oil disposal.

3. The Minister of LIT may, when he considers that the waste oil disposal facility in service for the business or the method of waste oil disposal fails to conform to the technical standards provided by the Ministry of LIT Ordinance under item (2) of Article 23 or the preceding Paragraph, order the waste oil

disposal business operator to suspend the use of the waste oil disposal facility in service for the business, repair or remodel the waste oil disposal facility so as to have it conform to the technical standards, or dispose of waste oil in accordance with the technical standards.

(Succession)

Article 31.

When a waste oil disposal business operator other than a port administrator has been succeeded or amalgamated, the successor or the juridical person that continues to exist after the amalgamation or the juridical person which has been established by the amalgamation succeeds the status of the waste oil disposal business operator.

2. The person who has succeeded the status of the waste oil disposal business operator shall report to the Minister of LIT to that effect without delay.

(Suspension and Closure of Business)

Article 32.

A waste oil disposal business operator shall, when he intends to suspend part or whole of the business or close the business, report without delay to the Minister of LIT to that effect.

(Cancellation of Approval of Business and Others)

Article 33.

The Minister of LIT may, when a waste oil disposal business operator other than a port administrator falls under any one of the following items, order to suspend the business for a definite period of six months or less, or cancel the approval under the Paragraph 1 of Article 20:

(1) When a violation of this Law or steps taken under this Law has been committed;

(2) When the operator comes under the provisions of item (1) or (3) of Article 22.

2. The Minister of LIT shall, when he intends to order to suspend the business under the preceding Paragraph, hold a hearing regardless of the procedural classification for expressing opinions under the provisions of paragraph 1 of Article 13 of the Law for Administrative Procedure (Law No. 88 of 1993).

3. The trial on the date of the hearing on the steps taken under Paragraph 1 shall be open to the public.

4. The person in charge of the hearing of the preceding paragraph shall, when any person having interest in the steps request him to participate in the procedure concerning the hearing under Paragraph 1 of Article 17 of the Law for Administrative Procedure, permit him to do so.

(Private Waste Oil Disposal Facility)

Article 34.

A person who intends to dispose of oil by a waste oil disposal facility (excluding a facility of minor scale provided by the Ministry of LIT Ordinance; hereafter referred to as "private waste oil disposal facility") other than that in service for a waste oil disposal business shall report to the Minister of LIT to that effect at least sixty days prior to the date of the commencement of the construction of the facility (the date of commencement of waste oil disposal if construction is not required).

2. The provisions of the Paragraphs 1 and 3 of Article 21 shall apply mutatis mutandis to the report under the preceding Paragraph.

3. The provision of Article 24 shall apply mutatis mutandis to a case where report has been made under Paragraph 1. In this case the term "prior to the inauguration of the business" shall read "prior to the commencement of waste oil disposal".

(Provisions mutatis mutandis Applicable)

Article 35.

The provisions of Paragraph 3 through Paragraph 5 inclusive of Article 28 and Article 29 through Article 32 inclusive shall apply mutatis mutandis to the person who has reported under the Paragraph 1 of the preceding Article (hereafter referred to as "owner of the private waste oil disposal facility").

(Recommendation to the Port Administrator and Others)

Article 36.

The Minister of LIT may, when he recognizes that the capacity of waste oil disposal facilities which meet the public demand of waste oil disposal in a port is not sufficient and when it is necessary to prevent marine pollution by oil from a ship, recommend that the port administrator should construct necessary waste oil disposal facilities.

2. The State shall subsidize, when it is considered necessary, the port administrator who constructs or improves waste oil disposal facilities, five-tenths of the cost of the construction or improvement within the extent of the budget.

(Notification to the Prefectural Governor)

Article 37.

The Minister of LIT shall, when the application for approval under the Paragraph 1 of Article 20 or the report under the Paragraph 2 of the Article has been made, notify to the Prefectural Governor to that effect. However, this shall not apply when the port administrator who has made the report is the Prefecture.

2. The Prefectural Governor may, when he considers it necessary for a waste oil disposal facility in service for the waste oil disposal business operator (except when the waste oil disposal business operator is a port administrator which is the Prefecture) or for the method of waste oil disposal, request the Minister of LIT to take measures under the provision of the Paragraph 3 of Article 30.

3. The Minister of LIT shall notify the Prefectural Governor of the measures he has taken upon request under the preceding Paragraph.

Chapter VI Measures to Prevent Marine Pollution and Maritime Disaster

(Report on Discharge of Oil and Others and Other Matters)

Article 38.

When the following oil and other substances (hereafter referred to as "oil and others" in this Article) discharge from a ship occurs, the master of the ship shall immediately report to a nearby agency of the Japan Coast Guard, in accordance with the provisions of the Ministry of LIT Ordinance, the time, date and place of the discharge, the condition of the discharge, the measures taken to prevent the marine pollution and other matters. However, this shall not apply to the case where it is recognized that there is no fear of expansion of the discharged oil and others beyond the extent provided by the Ministry of LIT Ordinance:

- (1) The discharge of the low evaporative oil provided by the Ministry of LIT Ordinance (hereafter referred to as "specific oil") whose density and quantity is not less than the criteria provided by the Ministry of LIT Ordinance (hereafter referred to as "the discharge of specific oil in a large quantity");
- (2) The discharge of oil (excluding the discharge of specific oil in a large quantity) whose density and quantity is not less than the criteria provided by the Ministry of LIT Ordinance;
- (3) The discharge of noxious liquid substances and others whose quantity is not less than that for each kind of noxious liquid substances and others provided by the Ministry of LIT Ordinance;
- (4) The discharge of the substances provided by the Ministry of LIT Ordinance as harmful to marine environment and carried not in bulk, whose quantity is not less than that for each kind of the substances provided by the Ministry of LIT Ordinances.

2. When a ship has been involved in collision, grounding, engine trouble other or marine accident and there arises danger of a discharge of oil and others mentioned in each of the items of the preceding Paragraph, the master of the ship shall immediately report to a nearby agency of the Japan Coast Guard, in accordance with the provisions of the Ministry of LIT Ordinance, the time, date, and place of the marine accident, its situation, the measures to be taken to prevent the marine pollution in case where a discharge of oil and others occurs and other matters. However, this shall not apply to the case where it is recognized that there is no fear of expansion of the discharged oil and others beyond the extent provided by the Ministry of LIT Ordinance under the provide of the paragraph.

3. When a discharge of oil specified in item (1) or (2) of the Paragraph 1 (hereinafter referred to as "the discharge of specific oil in large quantity in this article) from an off-shore facility and other facility (including those ashore; hereinafter referred to as "off-shore facility, etc.") has occurred, the manager of the off-shore facility, etc. shall immediately report to a nearby office of the Japan Coast Guard, in accordance with the provisions of the Ministry of LIT Ordinance, the time, date and place of

the oil discharge, the condition of the oil discharge, the measures taken to prevent the marine pollution and other matters. However, this shall not apply to the case where it is recognized that there is no fear of expansion of the discharged oil beyond the extent provided by the Ministry of LIT Ordinance.

4. In case something unusual happened to an off-shore facility, etc., including damage to the facility, and if oil is liable to be discharged in large quantity from the off-shore facility, etc., the manager of the off-shore facility, etc. shall immediately report to a nearby office of the Japan Coast Guard, in accordance with the provisions of the Ministry of LIT Ordinance, the time, date and place of the unusual happening, the condition of the unusual happening, measures to be taken to prevent marine pollution in case of oil discharge and other matters. However, this shall not apply to a case where it is assumed unlikely, even if oil is discharged that the oil will spread beyond the extent provided by the Ministry of LIT Ordinance under the proviso of the Paragraph 1, or where the manager of the off-shore facility, etc. made report under the Paragraph 1 of Article 23 of the Law on the Prevention of Disaster in Petroleum Industrial Complexes and Other Petroleum Facilities (Law No. 84 of 1975).

5. When discharge of oil in large quantity has occurred, the person other than those who are on board the ship of Paragraph 1 or employee of the off-shore facility, etc. of Paragraph 3, who has committed an act to cause the discharge of oil in large quantity (the master of the ship when the person is on board) shall report following the provisions of Paragraph 1 or 3.

However, this shall not apply to a case where it is clear that the master of the ship under paragraph 1 or the manager of the facility under the preceding paragraph has reported.

6. The owner of a ship of Paragraph 1 or 2, the other person who has the right concerning operation of the ship or the installer of the off-shore facility, etc. of Paragraph 3 or 4 shall, when he is requested to give information necessary to prevent marine pollution by the discharge of oil and others or the marine accident provided under the Paragraphs 1 to 4 inclusive by an authority of the Japan Coast Guard, shall do so as far as possible.

7. A person who has found oil having spread beyond the extent as provided by the Ministry of LIT Ordinance under the proviso of Paragraph 1, shall report, without delay, to a nearby agency of the Japan Coast Guard to that effect.

(Removal of Discharged Specific Oil in Large Quantity)

Article 39.

When a discharge of specific oil in large quantity has taken place, the following persons shall, in accordance with the Ministry of LIT Ordinance, immediately take emergency measures for the prevention of spread of the discharged specific oil and subsequent discharge of specific oil and for the removal of the discharged specific oil (hereafter "the prevention of specific oil spread and subsequent specific oil discharge and the removal of discharged specific oil "is referred to as" removal of discharged specific oil" or "to remove discharged specific oil") :

(1) The master of the ship which has carried the discharged specific oil or the manager of the facility that has kept the discharged specific oil ;

(2) A person, other than the person on board the ship of the preceding item and the person who is an employee of the facility of the said item, who has committed an act to cause the discharge of specific oil (in case where the person is on board a ship, the master of the ship).

2. When the discharge of specific oil in large quantity has taken place, the following persons shall immediately take necessary measures, in accordance with the Ministry of LIT Ordinance, to remove the discharged specific oil. However, this shall not apply to the case where a person provided in the preceding Paragraph has taken measures in accordance with the provision of the preceding Paragraph and the measures are recognized to be sufficient to remove the discharged oil:

(1) The owner of a ship prescribed in item (1) of the preceding Paragraph ;

(2) The owner of a facility provided in item (1) of the preceding Paragraph ;

(3) In addition to the persons in the preceding two items, the employer of the person who has committed an act to cause the discharge of specific oil relating to the business (in case where the person is a crew member of a ship, the owner of the ship).

In a case of the preceding Paragraph, the commandant of the Japan Coast Guard may, when he considers that the person set out in each item of the Paragraph has not taken the measures under the paragraph, order the person to take the measures to be taken under the Paragraph.

4. When the discharge of specific oil in large quantity has been made from a ship in or near a port, the following persons shall make efforts to assist the persons provided in the Paragraphs 1 and 2 in taking the measures to be taken in accordance with the said Paragraphs or to take necessary measures for the removal of the discharged specific oil in cooperation with them :

- (1) The consignor, in case where the port is a port of shipment of the discharged specific oil ;
- (2) The consignee, in case where the port is a port of landing of the discharged specific oil ;
- (3) The manager of the mooring facility, in case where the discharge of specific oil has been made while the ship is being moored.

Article 39-2.

The Commandant of the Japan Coast Guard may, when the discharge of specific oil in large quantity has taken place and he considers it necessary to take urgent measures to remove the discharged specific oil, order the master of a ship in the area where the measures are to be taken to have his ship leave the area or order the master of a ship entering the area to suspend the entry or restrict the navigation of ships in the area.

(Materials for the Removal of Discharged Specific Oil)

Article 39-3.

The following persons shall, in order to take measures to remove discharged specific oil when specific oil has been discharged from the ship, the facility, or a ship using the mooring facility, keep in accordance with the Ministry of LIT Ordinance, oil booms, chemical and other materials in the ship, the facility, or a place provided by the Ministry of LIT Ordinance. However, this shall apply with regard to a ship under the following item (1) only when the ship is navigating in a port or bay or other sea areas provided by the Ministry of LIT Ordinance :

- (1) The owner of a ship provided by the Ministry of LIT Ordinance ;
- (2) The owner of a facility which can hold the specific oil landed from a ship or to be shipped, in such a quantity or more as provided by the Ministry of LIT Ordinance ;
- (3) The manager of a mooring facility which can moor the ship provided in the item (1) (excluding the mooring facility exclusively used for ships other than the ship provided in the item (1)).

(Arrangement of Oil Recovery Boats, etc.)

Article 39-4.

When the owner of a tanker of the gross tonnage specified by the Ministry of LIT Ordinance or more (as for a tanker the part of the cargo hold of which has a structure for the carriage of liquid cargo in bulk, those with a cargo hold, the capacity of the part of which is not less than that specified by the Ministry of LIT Ordinance, hereafter referred to as "specific tanker") has his specific tanker navigate with bulk specific oil as cargo in the sea area where specific tankers usually navigate and which is specified by the Ministry of LIT Ordinance as a sea area involving a possibility of significant pollution of the sea from the topographical, tidal or any other natural conditions in the event of a discharge of specific oil, he shall arrange oil recovery boats or machinery and equipment designed for recovery of specific oil as specified in the Ministry of LIT Ordinance.

2. The place of arrangement of the oil recovery boats or machinery and equipment for recovery of specific oil and any other necessary matters concerning the arrangement shall be provided by the Ministry of LIT Ordinance.

(Removal of Oil Noxious Liquid Substances, Wastes and Other Materials)

Article 40.

The Commandant of the Japan Coast Guard may, when the sea has been polluted by discharged oil noxious liquid substances, wastes and other materials (except specific oil, the same in this Article and item (2) of Paragraph 41-2), and the pollution has give or is feared to give a remarkable damage to the preservation of marine environment and it is recognized that the prevention of the pollution is urgently required, order the person who is recognized to have discharged the oil noxious liquid substances, wastes and other materials which caused the pollution to take necessary measures to prevent the pollution such as removing the oil noxious liquid substances, wastes and other materials in accordance with the Ministry of LIT Ordinance.

(Shipboard Oil Pollution Emergency Plan for Oil Storage Facilities, etc.)
Article 40-2.

The person specified in each of the following items shall, in accordance with the technical standards Prescribed by the Minister of LIT Ordinance, make the Shipboard Oil Pollution Emergency Plan to be implemented immediately by persons in the facility specified in each item or other persons when oil has been or is likely to be improperly discharged from the facility or a ship using the mooring facility, and keep or display it within the facility (or within the office of the manager of the facility if it is difficult to keep or display it within the facility).

(1) The installer of a facility capable of storing oil landed from or loaded in a ship in a quantity not less than the quantity prescribed by the Ministry of LIT Ordinance;

(2) The manager of a mooring facility used for mooring ships prescribed by the Ministry of LIT Ordinance (excluding mooring facilities exclusively used for mooring ships other than those prescribed by the Ministry of LIT Ordinance).

2. The Commandant of the Japan Coast Guard may order any of the persons listed in the items of the preceding paragraph to make, keep or display the Shipboard Oil Pollution Emergency Plan when he considers that the person has not made, kept or displayed the Plan in accordance with the technical standards mentioned in the preceding paragraph.

3. The manager of each facility listed in the items of Paragraph 1 shall every employee of the facility and non-employees of the facility who are engaged in operations requiring the handling oil make the matters specified in the Shipboard Oil Pollution Emergency Plant prescribed in the preceding Paragraph known to.

(Liability for Expenditure for Measures Taken by the Commandant of Japan Coast Guard)
Article 41.

The Commandant of the Japan Coast Guard may, when he has taken measures to remove discharged oil, noxious liquid substances, wastes and other materials and other necessary measures to prevent marine pollution in case persons who are required to take measures under the Paragraph 1 through Paragraph 3 of Article 39 and Article 40 fails to take these measures or in case he considers that it is difficult to prevent marine pollution only by measures taken by the persons, have the expenditure for the measures borne, in accordance with the Ministry of LIT Ordinance, by the owner of the ship or the installer the off-shore facility, etc. which carried or kept the discharged oil, noxious liquid substances, wastes or other materials, to such extent as is provided by the Ministry of LIT Ordinance. However, this shall not apply in case the discharge of oil, noxious liquid substances, wastes and other materials is made due to abnormal natural disaster and other causes as are provided by the Ministry of LIT Ordinance.

2. Article 5 and Article 6 of the Law for Administrative Execution by Proxy (Law No. 43 of 1948) shall apply mutatis mutandis to the collection of the expenditure so borne under the preceding Paragraph.

3. The liability for the expenditure under the Paragraph 1 may, when the Commandant of the Japan Coast Guard considers appropriate, be performed in materials equal to such chemicals and other materials as has been consumed for the measures, instead of money.

4. In case of Paragraph 1, the owner of the ship or the installer of the off-shore facility, etc. under the Paragraph has the right to obtain reimbursement for the expenditure borne in accordance with the Paragraph, against any person who is responsible for the discharge of oil, noxious liquid substances, wastes and other materials.

5. When the measures taken under the Paragraph 1 falls under the measures provided by item (6) c of Article 2 of the Law on Liability for Oil Pollution Damage (Law No. 95 of 1975), the preceding Paragraphs shall not apply to the expenditure spent for the measures (referred to as "measures to prevent oil pollution damages" in Paragraph 2 of Article 42-38). However, when the performance of the liability for the expenditure spent for the measures is the performance of the liability for the oil pollution damage under the Paragraph 1 or Paragraph 2 of Article 3 of the same Law, the case shall be dealt with according to the Paragraph 3.

(Request for Removal Measures to the Chiefs of Government Agencies, etc. Concerned)
Article 41-2.

The Commandant of the Japan Coast Guard may, when he considers specifically necessary in the following cases, request the Chiefs of Government Agencies or Chiefs of Local Government Agencies (including Port and Harbor Bureaus) and other executive organizations (hereafter referred to as "the Chiefs of Government Agencies, etc. Concerned), in accordance with the Cabinet Order, to remove the discharged oil, noxious liquid substances, wastes and other materials and take other measures to prevent marine pollution.

- (1) In a case where the person who must take the measures under Paragraph 1 through Paragraph 3 of Article 39 and Article 40 does not take the measures, or it is considered difficult to prevent marine pollution only by the measures taken by them.
- (2) In an case where a foreign ship in the sea area outside Japanese territorial sea prescribed by the Cabinet Order (hereafter referred to as "specific foreign ship" in this item and Paragraph 2 of Article 42-37) has discharged specific oil in large quantity or the discharge from a specific foreign ship falls under the provision of Article 40, and the owner of the specific foreign ship and the person under item(3) of Paragraph 2 of Article 39 or the person who is recognized to have discharged oil, noxious liquid substances, wastes or other materials from the specific foreign ship does not take necessary measures to prevent marine pollution, or it is considered difficult to prevent marine pollution only by the measures taken by them.

(Liability for Expenditure for Measures taken by the Chiefs of Government Agencies, etc. Concerned) Article 41-3.

The Chiefs of Government Agencies, etc. Concerned may, in a case under item (1) of the preceding Article, when they have taken measures requested by the Commandant of the Japan Coast Guard prescribed by the Article, have the expenditure for the measures borne by the owner of the ship or the installer of the off-shore facility, etc. which carried or kept the discharged oil, noxious liquid substances, wastes or other materials, to such extent as is prescribed by the Cabinet Order. However, this shall not apply to a case under the proviso of Paragraph I of Article 41.

2. The Chiefs, of Government Agencies, etc. Concerned shall, when they intend to collect the liabilities under the preceding Paragraph, notify the person to pay the liabilities of the amount of the liabilities, day of payment, method of payment and other necessary matters.

3. The Chiefs of Government Agencies, etc. Concerned shall, when the person to pay the liabilities notified under the preceding Paragraph does not pay the liabilities of the Paragraph by the day of payment, expedite the payment designating time limit.

4. The Chiefs of Government Agencies. etc. Concerned shall, when expedite the payment under the preceding Paragraph, send a expediting letter to the person to pay. In this case, the time limit to be designated in the expediting letter shall be a day not earlier than twenty days reckoning from the day of sending the expediting letter.

5. The Chiefs of Government Agencies, etc. Concerned may, when the person to pay who has been expedited the payment under Paragraph 3 does not pay the liabilities and the arrears under Paragraph 7 by the time limit designated, take actions against the delinquency following the example of actions taken against delinquency of national taxes.

6. The order of the preferential rights of the money to be collected under the preceding Paragraph shall follow national taxes and local taxes, and the period of prescription shall follow the example of national taxes.

7. The Chiefs of Government Agencies, etc. Concerned may, when he has expedited the payment under Paragraph 3, collect the arrears whose amount is calculated at the rate of 14.5% of the liabilities per year for the number of days reckoning from the day after the day of payment to the day before the day of complete payment or the day of the attachment of property. However, this shall not apply to a case where unavoidable circumstances are recognized to exist.

8. The provisions of Paragraph 3 through Paragraph 5 of Article 41 shall mutatis mutandis apply to a case under Paragraph I of this Article. In this case, "Paragraph 1" in the provisions of Paragraph 3 through Paragraph 5 of the Article shall be read as "Paragraph I of Article 41-3" and "the preceding Paragraphs" in Paragraph 5 of the Article shall be read as "Paragraph I through Paragraph 7 of Article 41-3 and preceding two Paragraphs mutatis mutandis applied under Paragraph 8 of the Article".

(Measures to be Taken Against the Discharge of Dangerous Substance)
Article 42.

The Commandant of the Japan Coast Guard may, when an enormous quantity of specific oil discharged into the coastal waters of Japan has heavily polluted the sea and in wide coastal waters the pollution gives a remarkable impediment to the preservation of marine environment, injures human health, afflicts heavy damage to property or makes business activities difficult, or the pollution is feared to cause these impediments, and when he considers it necessary to take urgent measures to remove the discharged specific oil for the prevention of these impediments, destroy the ship which carried the discharged specific oil, burn up the discharged specific oil and dispose of the property in the waters near the scene of the discharged specific oil, to the extent as may be indispensable for taking measures to remove the discharged specific oil.

(Measures to be Taken Against the Discharge of Dangerous Substance)
Article 42-2.

In case where dangerous substance has been discharged (including case where such substance has been discharged into the air over the sea area, hereafter the same shall apply in this Article, the Paragraph 1 of Article 42-5, Article 42-8 and the Paragraph 1 of Article 42-9), and the discharged dangerous substance is in danger of catching fire, the following person shall immediately report to a nearby office of the Japan Coast Guard, in accordance with the Ministry of LIT Ordinance, matters concerning the date, time and place of the discharge, quantity of the discharged dangerous substance, condition of spread of the substance, the ship which has carried the substance, the off-shore dangerous substance control facility in which the substance has been kept (an off-shore structure controlling dangerous substance, the same shall apply hereafter) or other facilities (including those ashore) : However, this shall not apply to the case where notification has been made in accordance with the Paragraphs 1 to 5 inclusive of Article 38 of this Law or the Paragraph 1 of Article 23 of the Law on the Prevention of Disasters in Petroleum Industrial Complexes and Other Petroleum Facilities.

- (1) The master of the ship which carried the discharged dangerous substance or the manager of the facility which kept the discharged dangerous substance:
 - (2) The person (other than those in the ship' of the preceding item and employees of the facility of the same item) who caused the discharge of dangerous substance (in case he is in a ship, the master of the ship).
2. Any person who has found the situation prescribed in the preceding Paragraph shall report to the fact without delay to a nearby office of the Japan Coast Guard.
3. In case of Paragraph 1, the person under each item of the Paragraph shall immediately take emergency measures to prevent subsequent discharge of the dangerous substance and to prevent the discharged oil from catching fire and at the same time take measures to call attention of persons and ships in the vicinity of the scene of the discharge of the dangerous substance.

(Measures to be Taken When a Fire Has Broken Out at Sea)
Article 42-3.

In case where a ship carrying dangerous substance as cargo in bulk, an off-shore dangerous substance control facility or any dangerous substance has caught fire at sea, the following person shall immediately notify a nearby office of the Japan Coast Guard, in accordance with the Ministry of LIT Ordinance, of the matters concerning the date, time and place of the fire, the condition of the fire, and the ship or off-shore dangerous substance control facility where the fire has broken out or the ship on board which the dangerous substance on fire has been carried or the off-shore dangerous substance control facility or other facilities (including those shore) in which the dangerous substance on fire has been kept. However, this shall not apply to the case where notification has been made in accordance with Paragraph 1 to 5 inclusive of Article 38 or Paragraph 1 of Article 42-2 of this Law or the Paragraph 1 of Article 23 of the Law on the Prevention of Disasters in Petroleum Industrial Complexes and Other Petroleum Facilities.

- (1) The master of the ship on fire at sea or the manager of the off-shore dangerous substance control facility on fire at sea;
- (2) The master of the ship on board which the dangerous substance on fire at sea has been carried or the manager of the facility in which the dangerous substance on fire at sea has been kept.

(3) The person (other than those in the ship under the preceding two items and the employees of the facility under the same items) who caused the fire at sea (in case the person is in a ship, the master of the ship).

2. In case of the preceding Paragraph, the person under each item of the Paragraph shall immediately take emergency measures to put out the fire, to prevent the spread of the fire or to save human life and at the same time take measures to call attention of persons and ships in the vicinity of the scene of the fire at sea.

Article 42-4.

Any person who has found a fire at sea shall report the fact without delay to a nearby office of the Japan Coast Guard.

(Restrictions on Acts, in case of an Emergency)

Article 42-5.

In a case where the discharge of dangerous substance has taken place and there is a great danger of fire at sea caused by the discharged dangerous substance and further there is a danger of serious disaster if a fire has taken place at sea, the Commandant of the Japan Coast Guard may restrict or prohibit the use of fire by any person in the sea area in danger of fire or order the master of any ship in the sea area to have his ship leave the area or order the master of any ship entering the sea area to suspend the entry.

2. The Commandant of the Japan Coast Guard may, when a fire has broken out at sea, order the master of any ship in the sea area of the fire to have his ship leave the area or order the master of any ship entering the sea area to suspend the entry.

3. In the cases prescribed in the preceding two Paragraphs, the Commandant of the Japan Coast Guard may order any person in the sea area to leave the sea area or prohibit or restrict the entry or departure of any person into or from the sea area.

(Disposal of a Ship Which Has Caught Fire and Others)

Article 42-6.

The Commandant of the Japan Coast Guard may use, shift, dispose of or restrict the use of the ship, the off-shore dangerous substance control facility or any other property which has caught fire or is about to catch fire, when it is necessary to put out fire, prevent the spread of fire or save human life ; and may use, shift, dispose of or restrict the use of the ship, the off-shore dangerous substance control facility or any other property in a sea area which is in danger of catching spreading fire, when he considers it inevitable to prevent the spread of fire.

(Prevention of Danger to Ships' Traffic)

Article 42-7.

When there is a danger to ships' traffic in the vicinity of the sea area where ships' traffic is hampered by a fire of a ship at sea or when he considers that there is a possibility of such danger, the Commandant of the Japan Coast Guard may order the owner of the ship to tow the ship on fire to a sea area where no more danger of maritime disaster and obstruction to ships' traffic by the fire of the ship is feared to take place.

Article 42-8.

When there is a danger or a possibility of danger to ships' traffic in the vicinity of the sea area where the discharge of specific oil or dangerous substance or a fire at sea has caused obstruction to ships' traffic and when he considers it necessary to prevent the danger to ship's traffic urgently, the Commandant of the Japan Coast Guard may restrict or prohibit the navigation of ships in or around the sea area.

Article 42-9, 42-10, 42-11, 42-12.

Omitted

Chapter VI-2. Maritime Disaster Prevention Center

(Purposes)

Article 42-13.

The purposes of the Maritime Disaster Prevention Center are to perform the service for taking measures to prevent occurrence and spread of maritime disasters (hereafter referred to as "maritime disaster prevention"), the service pertaining to the possession of ships, machines, Equipments and materials required for maritime disaster prevention measures and to the training, etc. concerning maritime disaster prevention measures, and the service contributing to the promotion of international cooperation concerning maritime disaster prevention and thereby contribute to the protection of the life, health and property of the people.

Article 42-14.

The Maritime Disaster Prevention Center (hereafter referred to as "the Center") shall be a juridical person.

Article 42-15-Article 42-35.

Omitted.

(Services)

Article 42-36.

The Center shall perform the following services in order to achieve the purposes of Article 42-13 :

- (1) Taking measures to remove discharged specific oil in accordance with the instruction of the Commandant of the Japan Coast Guard as provided in the following Article and collecting the expense spent for the measures in accordance with Article 42-38 :
- (2) Preventing the spread of discharged oil and subsequent discharge of oil (referred to as "discharged oil control" in Article 43-2 and Article 43-3), putting out fire and preventing the spread of fire by fire-fighting vessels, and taking other measures for maritime disaster prevention as commissioned by a shipowner or any other person :
- (3) Possession of oil recovery boats, machines and equipments for the recovery of oil, oil booms and other vessels, machines, equipments and materials, necessary for maritime disaster prevention measures, and furnishing them for use by shipowners and other persons ;
- (4) Training for maritime disaster prevention measures ;
- (5) Making research on the machines, equipments and materials necessary for maritime disaster prevention measures and on the technology concerning the measures and promulgating the results ;
- (6) Collecting, reviewing and providing information on maritime disaster prevention measures ;
- (7) Providing guidance and advice on maritime disaster prevention measures under the commission of ship owners and other persons ;
- (8) Providing guidance and advice on maritime disaster prevention measures in foreign countries, providing foreign trainees with education and training to the trainees from foreign countries regarding maritime disaster prevention measures, and performing other services contributing to the promotion of international cooperation concerning maritime disaster prevention ;
- (9) Performing services incidental to the services specified in the preceding items ;
- (10) Performing other services necessary for achieving the purposes of Article 42-13 in addition to those of the preceding items.

2. The Center shall have an approval of the Minister of LIT when it intends to perform the services under item (10) of the preceding Paragraph.

(Direction to the Center)

Article 42-37.

In a case where it is required urgently to take measures to remove discharged specific oil and where it is recognized that the person bound to take the measures in accordance with the Paragraph 3 of Article 39 has failed to take the measures or that there is no time to order the person to take measures in accordance with the Paragraph, the Commandant of the Japan Coast Guard may direct the Center to take measures which are considered necessary among those prescribed in the Paragraph.

2. In addition to the measures taken under the provision of the preceding paragraph the Commandant of JCG may, in a case where a large quantity of specific oil has been discharged from a specific foreign ship and it is required urgently to take measures to remove the discharged specific oil but it is recognized that the owner of the specific foreign ship and the person prescribed in item (3) of Paragraph 2 of Article 39 has failed to take the measures, direct the center to take measures which are considered necessary among the measures.

(Reimbursement of the Expense Spent for Measures Taken by the Center)

Article 42-38.

When the Center has taken measures directed by the Commandant of the Japan Coast Guard in accordance with Paragraph 1 of the preceding Article, it may have the expense spent for the measures, within the extent specified by the Ministry of LIT Ordinance, borne, under the approval of the Commandant of the Japan Coast Guard as specified by the Ministry of LIT Ordinance, by the owner of the ship which carried the discharged specific oil or the owner of the offshore facility, etc. in which the discharged specific oil was kept, unless otherwise provided in the proviso of Paragraph 1 of Article 41.

2. When the Center has taken the measures directed by the Commandant of JCG under Paragraph 2 of the preceding Article, the State grants the Center the expenses needed for the measures to the extent prescribed by the Cabinet Order within its budget. However, this shall not apply to the expenses of the measures which fall under the measures to prevent oil pollution damage.

3. The provisions of Paragraph 4 and Paragraph 5 of Article 41 and Paragraph 2 through Paragraph 7 of Article 41-3 shall mutatis mutandis apply to Paragraph 1. In these cases; "Paragraph 1" in Paragraph 4 and Paragraph 5 of Article 41 and "preceding Paragraph" in Paragraph 2 of Article 41-3 shall be read as "Paragraph 1 of Article 42-38"; "Preceding Paragraphs" shall be read as "Paragraph 1 of Article 42-38, preceding Paragraph and Paragraph 2 through Paragraph 7 of Article 41-3 which are mutatis mutandis applied under Paragraph 3 of the same Article"; and "following the example of actions taken against delinquency of national taxes" shall be read as "with the approval of the Commandant of JCG, following the example of actions taken against delinquency of national taxes"

Article 42-39 -Article 42-53.

Omitted.

Chapter VII. Miscellaneous Provisions

(Regulation on Abandonment of Ships, etc.)

Article 43.

No person may abandon a ship, an off-shore facility or an aircraft (hereafter referred to as "ship, etc.") at sea. However, this shall not apply to the abandonment made in accordance with the criteria concerning sea areas and methods for abandonment provided by the Cabinet Order or to leaving of a wrecked ship, etc. which is difficult to remove.

2. In case a ship, etc. is abandonment at sea under the proviso of the preceding Paragraph, if the size of the ship, etc. (excluding a wrecked ship, etc. which is difficult to remove) is not less that provided by the Cabinet Order the person who intends to abandon the ship, etc., shall, in advance, submit to the Commandant of JCG the written application for the confirmation on that the plan on the abandonment complies with the criteria under the proviso of the Paragraph and obtain his confirmation.

3. The Commandant of JCG shall, when he has accepted the written application and confirmed that the plan on the abandonment complies with the criteria under the proviso of Paragraph 1, issue the Certificate for Confirming the Abandonment of Ships, etc. to applicant.

4. A person who has obtained the Certificate for Confirming the Abandonment of Ships, etc. shall keep the Certificate within ships and other facilities engaged in the abandonment of the ship, etc. (in case he intends to have the ship, etc. navigate itself to abandonment, within the ship, etc.)

5. Other than those prescribed in the preceding three Paragraphs, the form of the written application for the confirmation, the form of the Certificate for Confirming the Abandonment of Ships, etc. and other matters necessary for the confirmation shall be prescribed by the Ministry of LIT Ordinance.

6. The provisions of Chapter III and Chapter IV shall not apply to a case where a ship, etc. is jettisoned from a ship, an off-shore facility or an aircraft.

Article 43-2.

Omitted.

(Chemicals for the Prevention of Marine Pollution by Oil or Noxious Liquid Substances)

Article 43-3.

Omitted.

Article 43-4.

Chemicals for the prevention of marine pollution by oil or noxious liquid substances provided by the Ministry of Transport Ordinance may not be used unless they comply with the technical standards provided by the Ministry of Transport Ordinance.

2. The chemicals shall be used appropriately in accordance with their prescription and the conditions of the pollution of the sea and the situation of the sea area.

(Containers, labeling and Methods of Carriage of Noxious Substances and Other Matters)

Article 43-5.

Transport by a ship by a method other than in bulk of substances provided by the Ministry of Transport Ordinance referred to in item (4) of Paragraph 1 of Article 38 shall be done in accordance with the criteria provided by the Ministry of LIT Ordinance concerning their containers, labeling, method of carriage and other matters related to their method of transport necessary to prevent marine pollution from the discharge of the said substances.

2. The Minister of LIT may, when he recognizes that the transport of substances under the preceding paragraph does not comply with the criteria provided by the ordinance in the same Paragraph, order the owner or the master of the ship to improve the method of transport.

Article 44.

Omitted.

(Surveillance of Conditions of Marine Pollution)

Article 45.

The Commandant of the Japan Coast Guard shall keep necessary surveillance on conditions of marine pollution around the coastal area of Japan.

2. The Commandant of the Japan Coast Guard shall, when he recognizes significant marine pollution in certain sea areas, notify the head of a local entity who has jurisdiction over the polluted areas of the conditions of pollution.

Article 46, Article 47.

Omitted.

(Report on Oil Discharge, etc.)

Article 48.

The Minister of LIT may, to the extent required for the enforcement of this Law, make, in accordance with the provisions of the Ministry of LIT Ordinance, an oil disposal business operator or owner of private oil disposal facility report on his business or waste oil disposal by his waste oil disposal facility.

2. The Minister of LIT or the Commandant of the Japan Coast Guard may, to the extent required for the enforcement of this Law, make, in accordance with the provisions of the Ministry of LIT Ordinance, the owner or the master of a ship or the installer or manager of an offshore facility or the user of an airplane, report on the discharge and incineration of oil or wastes of his ship or offshore facility or airplane or operation of handling oil or wastes.

3. The Minister of LIT or the Commandant of the Japan Coast Guard may, to the extent required for the enforcement of this Law, make, in accordance with the Ministry of LIT Ordinance, the person under each item of Article 39-3 or the owner of a specific tanker or the person under each item of Paragraph 1 of Article 40-2 report on the provision of oil booms, chemicals or other materials, the arrangement of oil recovery boat or equipments for removal of specific oil, or the preparation, provision or display of the Shipboard Oil Pollution Emergency Plan prescribed in the Paragraph.

4. The Minister of LIT may, to the extent required for the enforcement of this Law, authorize his staff to enter the office and workshop of oil disposal business operator or owner of private oil disposal facility and inspect oil disposal facility, record book and other materials.

5. The Minister of LIT or the Commandant of the Japan Coast Guard may, to the extent required for the enforcement of this Law, authorize his staff to enter a ship, an offshore facility, etc. or an office of the owner of a ship or an office of the installer or the manager of an offshore facility, etc. and inspect the marine pollution prevention devices, etc., manual for the prevention of oil pollution, Shipboard Oil Pollution Emergency Plan prescribed in Paragraph 1 of Article 7-2 or Paragraph 1 of Article 40-2, oil record book, noxious liquid substances record book, Regulation for Preventing pollution by Shipboard

Wastes, ship board wastes record book, marine pollution prevention certificate, IOPP certificate, Regulation for Preventing Pollution by off-shore Facility Wastes, incineration system and other materials, or to question the persons concerned.

6. The Minister of LIT or the Commandant of the Japan Coast Guard may, to the extent required for the enforcement of this Law, authorize his staff to enter a ship or a facility under each item of Article 39-3 or a place specified by the Ministry of LIT Ordinance under the Article and inspect oil booms, chemicals and other materials.

7. Any staff who makes entrance and inspection under the preceding three Paragraphs shall carry with him an identification card and present it to the person concerned.

8. The authority given for the inspection under the Paragraphs 4 to 6 inclusive shall not be construed as that for criminal investigations.

(Certification of Copies of Oil Record Book, etc.)

Article 49.

Any staff who has made entrance in a ship or an offshore facility, or an office of the owner of a ship or the manager of an offshore facility under the Paragraph 5 of the preceding Article may, to the extent required for the enforcement of this Law, make copies of any entry in the oil record book, noxious liquid substances record book or ship board wastes record book and require the master or the owner of the ship or the manager of the offshore facility to certify that the copies are true ones of the entry.

(Guidance and Others)

Article 49-2.

The Minister of LIT or the Commandant of the Japan Coast Guard may, when he considers it necessary to attain the purpose of this Law, make necessary guidance, advice or recommendation to such a person as the owner or the master of a ship or any other person who engages in a business like discharge or incineration of oil, noxious liquid substances, etc. or wastes, which is closely related to prevention of marine pollution or maritime disaster, so that the person will carry out his business appropriately in the light of prevention of marine pollution and maritime disaster.

(Assistance of the State)

Article 50.

The State shall make efforts to secure fund, to give technical advice and other assistance necessary for the installation, possession or improvement of marine pollution prevention devices, etc., waste oil disposal facilities, oil recovery boats and other equipments, facilities or ships for preventing marine pollution or maritime disaster.

(Promotion of Research and Investigation)

Article 51.

The State shall promote research and investigation concerning the prevention of marine pollution and maritime disaster such as prevention of discharge of oil, noxious liquid substances, etc. and wastes from a ship or an offshore facility, disposal of waste oil and scrapped ship, removal of discharged oil, noxious liquid substances, etc. and dangerous substances and prevention of fire at sea and make efforts to diffuse the outcome.

(Promotion of International Cooperation)

Article 51-2.

The State shall endeavor to secure international coordination for the prevention of marine pollution and maritime disasters, promote international technical cooperation, provide emergency aid for the prevention of maritime disasters in overseas, and promote other matters related to international cooperation for the prevention of marine pollution and maritime disasters.

Article 51-3-Article 51-4

Omitted

(Exception)

Article 52.

This Law shall not apply to marine pollution by radioactive materials and its prevention.

(Delegation of Competence)

Article 53.

The matters which belong to the competence of the Minister of LIT or the Commandant of the Japan Coast Guard may be performed by the Director of a District Transport Bureau or a District Maritime Bureau or the Commander of a Regional Coast Guard Headquarters in accordance with Ministry of LIT Ordinance.

2. The Director of the District Transport Bureau or the District Maritime Bureau or the Commander of a Regional Coast Guard Headquarters may, in accordance with the Ministry of LIT Ordinance, delegate part of the matters which come under his competence under the preceding Paragraph to the Chief of a Maritime Branch office or the Chief of an office of the Regional Coast Guard Headquarters such as a Coast Guard Office.

Article 54. -Article 54-2.

Omitted.

Chapter VIII. Penal Provisions

Article 55.

A person who comes under any of the following items shall be punished with a fine of not more than 10,000,000 yen:

- (1) A person who discharged oil in violation of the provision of Paragraph 1 of Article 4;
 - (2) A person who discharged noxious liquid substances or non-evaluation liquid substances in violation of the provision of Paragraph 1 of Article 9-2 (including a case to which mutatis mutandis applied under Paragraph 1 of Article 9-6);
 - (3) A person who discharged wastes in violation of the provision of Paragraph 1 of Article 10;
 - (4) A person who discharged oil or wastes in violation of the provision of Paragraph 1 of Article 18;
 - (5) A person who incinerated oil, noxious liquid substances or wastes in violation of the provision of Paragraph 1 or 2 of Article 19-2;
 - (6) A person who violated the provision of Paragraph 1 of Article 39;
 - (7) A person who violated the orders under Paragraph 3 of Article 39 or Article 40;
 - (8) A person who abandoned a ship, etc. in violation of the provision of the Paragraph 1 of Article 43.
2. A person who violated the provision of item (1), (2), (3) or (4) of the preceding Paragraph by negligence shall be punished with a fine of not more than 5,000,000 yen.

Article 55-2.

A person who comes under any of the following items shall be punished with a fine of not more than 2,000,000 yen:

- (1) A person who had an marine pollution prevention certificate, a provisional marine pollution prevention certificate or an international marine pollution prevention certificate issued to him by an illegal act including false statements;
- (2) A person who used a vessel for navigation without undergoing the survey prescribed by Article 17-4 or Article 17-5;
- (3) A person who used a vessel for navigation or allowed it to make an international voyage in violation of the provisions of Paragraphs 1 through 3 of Article 17-10;
- (4) A person who conducted oil disposal business in violation of the provision of Paragraph 1 of Article 20:
- (5) A person who violated the order under Article 24 (including a case to which mutatis mutandis applied under Paragraph 4 of Article 28 (including a case to which mutatis mutandis applied under Article 35) or Paragraph 3 of Article 34) or under Paragraph 3 of Article 30 (including a case to which mutatis mutandis applied under Article 35);
- (6) A person who violated the order under Article 42-7.

Article 56.

A person who comes under any of the following items shall be punished with a fine of not more than 1,000,000 yen:

- (1) A person who discharged oil in violation of a condition attached or altered by the Commandant of the Japan Coast Guard under Paragraph 5 of Article 4 (including a case to which mutatis mutandis applies under Paragraph 4 of Article 18);
- (2) A person who violated the provision of Article 11;
- (3) A person who violated an order under the Paragraph 2 of Article 17-14 (including a case to which mutatis mutandis applied.) under Paragraph 3 of Article 17-17;
- (4) A person who attached the sign under Paragraph 5 of Article 9 of the Ship's Safety Law, which is applied mutatis mutandis under Paragraph 1 of Article 17-15, to a marine pollution prevention device other than one that is confirmed in accordance with the provision of Paragraph 2 of Article 6-4 of the Ship's Safety Law, which is applied mutatis mutandis under Paragraph 1 of Article 17-15;
- (5) A person who had, by malpractice such as dishonest act, been issued a certificate of pass under Paragraph 3 or 4 of Article 9 of the Ship's Safety Law which is applied mutatis mutandis under Paragraph 1 of Article 17-15;
- (6) A person who used an incineration system for an incineration of confirmation-requiring wastes for incineration without taking a survey of Paragraph 1 of Article 19-4;
- (7) A person who used an incineration system for an incineration of confirmation-requiring wastes for incineration in violation of the provision of Paragraph 1 or 2 of Article 19-7;
- (8) A person who failed to make report under Paragraph 2 of Article 20, Paragraph 3 of Article 28 (including a case to which mutatis mutandis applied) under Article 35 or Paragraph 1 of Article 34, or a person who made false report;
- (9) A person who changed matters under item (2) of Paragraph 1 of Article 21 in violation of the provision of the Paragraph 1 of Article 28.

Article 57.

A person who comes under any of the following items shall be punished with a fine of not more than 500,000 yen:

- (1) A person who violated the provision of the Paragraph 1 of Article 5-3;
- (2) A person who violated the provisions of Paragraph 1 of Article 6, Paragraph 1 of Article 7, Paragraph 1 or 2 of Article 9-4, paragraph 1 of Article 10-2, Paragraph 1 of Article 19-2 or Article 39-3;
- (3) A person who violated the provision of the Paragraph 4 of Article 9-2;
- (4) A person who violated the provisions of the Paragraph 3 of Article 10, Paragraph 3 of Article 19-2-3 or Paragraph 2 of Article 43;
- (5) A person who violated the order under the Paragraph 1 of Article 17-14 or Paragraph 1 or 2 of Article 17-17;
- (6) A person who violated the order under the Paragraph 1 of Article 33;
- (7) A person who failed to make notification under the Paragraphs 1 to 5 inclusive of Article 38, Paragraph 1 of Article 42-2 or Paragraph 1 of Article 42-3, or a person who made false notification;
- (8) A person who violated the order under Article 39-2 or a person who acted against the restriction under the Article;
- (9) A person who violated the provision of the Paragraph 1 of Article 39-4;
- (10) A person who violated the order under Paragraph 2 of Article 40-2;
- (11) A person who violated the order, restriction or prohibition under the Paragraph 1 or 3 of Article 42-5 or the order under Paragraph 2 of the Article;
- (12) A person who acted against the restriction or prohibition under Article 42-8;
- (13) A person who used chemicals in violation of the provision of the Paragraph 1 of Article 43-4.

Article 58.

A person who comes under any of the following items shall be punished with a fine of not more than 300,000 yen:

- (1) A person who violated the provision of the Paragraph 2 of Article 5-3 or Article 5-4;
- (2) A person who violated the provision of the Paragraph 1 or 3 of Article 8, Paragraph 1 or 3 of Article 9-5, Paragraph 1 or 3 of Article 10-3, Article 10-4 Paragraph 1 or 3 or Article 16, Paragraph 1 or 3 of Article 19, Article 19-2-2, or Paragraph 1 or 3 of Article 19-9;
- (3) A person who failed to make entry of necessary matters in the oil record book, noxious liquid substances record book, ship board wastes record book wastes disposal record book or incineration record book under the Paragraph 2 of Article 8, Paragraph 2 of Article 9-5, Paragraph 2 of Article 10-

- 3, Paragraph 2 of Article 16, Paragraph 2 of Article 19 or Paragraph 2 of Article 19-9 or a person who made false entry in the record book;
- (4) A person who violated the provision of the Paragraph 5 of Article 10, Paragraph 5 of Article 19-2-3 or Paragraph 4 of Article 43;
- (5) A person who used a ship registered under Article 11 in violation of the provision of Paragraph 2 of Article 13 for the discharge of wastes under item (3) or (4) of Paragraph 2 of Article 10;
- (6) A person who failed to report under Article 14, Paragraph 2 of Article 31 or Article 32 (including the cases to which these provisions apply mutatis mutandis under Article 35), or a person who made false report;
- (7) A person who used a ship for navigation in violation of the provision of Article 17-11;
- (8) A person who refused, disturbed or evaded an inspection under the Paragraph 1 of Article 12 of the Ship's Safety Law, which is applied mutatis mutandis under the Paragraph 2 of Article 17-15 or a person who failed to answer for the enquiry or made false answer;
- (9) A person who failed to make notification under the Paragraph 2 of Article 12 of the Ship's Safety Law or made false notification;
- (10) A person who used an incineration system on board the ship or at the offshore facility for the incineration of confirmation-requiring wastes for incineration in violation of the provision of Article 19-8;
- (11) A person who disposed of waste oil without report or without compliance with the reported conditions of waste oil disposal under the Paragraph 1 of Article 26;
- (12) A person who failed to comply with the order under the provision of Paragraph 3 of Article 26;
- (13) A person who failed to comply with the order under the provision of Paragraph 2 of Article 43-5;
- (14) A person who failed to make report under the Paragraph 1 through 3 of Article 48 or a person who made false report;
- (15) A person who refused, disturbed or evaded the inspection under the Paragraphs 4 through 6 of Article 48, or refused to answer or gave false answers to questions prescribed in Paragraph 5 of the Article;
- (16) A person who refused or evaded the certification under Article 49;
- (17) A person who made false report to an office of the Japan Coast Guard that he had found the fact under Paragraph 7 of Article 38;
- (18) A person who made false report to an office of the Japan Coast Guard that he had found the situation under the Paragraph 1 of Article 42-2 or a fire at sea.

Article 58-2.

Omitted.

Article 58-3.

Omitted.

Article 59.

When a representative of a juridical person or an agent or an employee of a juridical person or a person violated the provision of Articles 55 through 58 relating to the functions of the juridical person or the person, the violator shall be punished and, in addition, the juridical person or the person shall be punished with the penalty under the each Article.

Article 60.

A person who failed to report under Paragraph 2 of Article 9-6, Article 17, Article 18-2, Paragraph 5 of Article 28 or Article 29 (including the cases to which these provisions apply mutatis mutandis under Article 35) or a person who made false report shall be liable to an administrative penalty of not more than 100,000 yen.

Article 61, Article 62.

Omitted.

Article 63.

Deleted.

(Exceptions to Jurisdiction of the First Trial)

Article 64.

A district court also has jurisdiction of the first trial over lawsuits involving offenses prescribed by Articles 55 to 56.

Chapter IX. Release of a Violator, etc. upon Posting of Bond, etc. Relating to Foreign vessels

(Release of a Violator, etc. upon Posting of Bond, etc. Relating to Foreign vessels)

Article 65.

When any of the following items is applicable, a judicial police officer designated by the Cabinet Order (hereinafter referred to as "enforcement officer") shall notify, without delay, the master of the ship and the violator (only when the violator is a crew member of the ship; the same shall apply hereafter) of the matters listed in items of the next Paragraph.

- (1) When an offense involving a foreign ship (excluding those specified by a Cabinet Order) in violation of a provision of this Law has been committed (hereafter referred to as "the case"), and the master and other crew members of the ship have been arrested in connection with the case;
- (2) Other than the above, when a ship or a document certifying the nationality of the ship and other documents required for navigation (hereafter referred to as "certificate of ship nationality, etc.") have been seized in connection with the case, and it is considered that there are sufficient reasons to suspect the master of the ship and other crew members or the owner of the ship has committed the offense.

2. The matters that shall be notified under the preceding Paragraph shall be as follows:

- (1) The offender shall be released and the ship, the certificate of ship's nationality and any other articles seized (hereafter referred to as "articles seized") shall be returned, without delay, upon offering of bond or a document guaranteeing the offering thereof to the competent Minister as prescribed by the Cabinet Order referred to in the Paragraph 1 of the following Article;
- (2) The amount required to be offered as bond;
- (3) Conditions, if attached under the next Paragraph.

3. In case any of the items given in Paragraph 1 is applicable, an enforcement officer may attach conditions that necessary measures such as repair of the ship be taken when releasing offenders or returning articles seized if he considers continued navigation of the vessel is liable to obstruct the preservation of marine environment.

4. The amount of the bond prescribed in Item (2) Paragraph 2 shall be determined by the enforcement officer in accordance with criteria laid down by the competent Minister as prescribed by the Cabinet Order, taking into consideration the type, nature and other circumstances of the case.

Article 66.

When the bond in the amount notified pursuant to the provision of the Paragraph 1 of the preceding Article or the document guaranteeing the offering thereof is offered to the competent Minister as prescribed by the Cabinet Order, the competent Minister shall, without delay, notify the enforcement officer or public prosecutor to that effect.

2. In case conditions have been attached under Paragraph 3 of the preceding Article, and when the competent Minister considers that the necessary measures specified in the Paragraph have been taken, he shall, without delay, notify the enforcement officer or the public prosecutor of the fact.

3. When the enforcement officer has been notified under Paragraph 1 (in case conditions have been attached under Paragraph 3 of the preceding Article, when he has been notified under the preceding two Paragraphs), he shall, without delay, release offenders and return articles seized.

4. When the public prosecutor has been notified under Paragraph 1 (in case conditions have been attached under Paragraph 3 of the preceding Article, when he has been notified under Paragraph 1 and Paragraph 2), he shall, without delay, take steps required to release offender and return articles seized.

Article 67.

The bond shall be held in the custody of the competent Minister.

2. Where, in the proceeding relating to the case, the offender fails to appear at the place required on the date required, or the articles seized which were returned but which the person (party) concerned has been required to produce, are not produced at the place required on the date required, the bond shall revert to the National Treasury on the day one month from the day following the aforesaid date, except where communication is made within one month of the day following the aforesaid date to the effect that appearance will be made or the aforesaid articles will be produced on a specified day within three months of the day following the aforesaid date.

3. Where, in cases prescribed by the proviso of the preceding Paragraph, the offender fails to appear or the aforesaid articles are not produced on the specified day pertaining to the aforesaid communication, the bond shall revert to the National Treasury on the day following that day.

4. Where circumstances arise in which custody of the bond is no longer necessary, as in the case of conclusion of the proceedings relating to case, the bond shall be returned.

(Entrustment to Ordinance of the Ministry in Charge)

Article 68.

The procedures and other matters needed to enforce the provisions of the preceding three Articles shall be prescribed by an Ordinance of the competent ministry.

(Competent Minister, etc.)

Article 69.

The Competent Minister prescribed in Articles 65 through 67 and the ordinance of the competent ministry prescribed in the preceding Article shall be specified by the Cabinet Order.