

under the preceding paragraph has been made, inform of the effect to the Director-General of the Environment Agency, and the Director-General of the Environment Agency shall immediately make assessment as to whether the unassessed liquid substances notified are harmful or not from the viewpoint of preservation of marine environment.

Section 2 Designated Confirming Organization
(10)

(Designation) (10)

Article 9-7. Designation under the provision of Article 9-2 paragraph 4 (hereinafter referred to as "designation" in this Section) shall be made on application of a person who intends to conduct the business of confirmation as provided in said paragraph (hereinafter referred to as "confirmation business").

2. The Commandant of the Maritime Safety Board shall, when he intends to make designation, do so after making review as to whether the program concerning business operation in respect of the officers, method of business operation and other matters is appropriate and the applicant has sufficient accounting and technical groundings to execute the program accurately.

3. The Commandant of the Maritime Safety Board shall not make designation when an applicant for designation falls under any of the following respective items:

- (1) A person other than a juristic person incorporated in accordance with the provision of Article 34 of the Civil Code (Law No. 89 of 1896);
- (2) A person who is endangered to be incapable of operating

the confirmation business fairly by the business other than the confirmation business an applicant carries on;

- (3) A person for whom designation was cancelled in accordance with the provision of Article 9-15 and for whom a period of two years will not have elapsed counting from the date of such cancellation;
- (4) A person having any person, among the directors, who violated the provisions of this Law or order based on this Law, sentenced to punishment heavier than monetary penalty, and for whom a period of two years will not have elapsed counting from the day on which he has served out his term or ceased to serve.

(Confirmation business rules) (10)

Article 9-8. The designated confirming organization shall, before the commencement of confirmation business, stipulate the rules concerning operation of the confirmation business (hereinafter referred to as "confirmation business rules" in this section) and obtain the sanction of the Commandant of the Maritime Safety Board. This shall also apply in case it intends to alter such rules.

2. The Commandant of the Maritime Safety Board, when he considers that the sanctioned confirmation business rules as referred to the preceding paragraph has become inappropriate for the proper and exact operation of the confirmation business, order to alter such confirmation business rules.

3. Matters to be stipulated in the confirmation business rules shall be prescribed by Ministry of Transport Ordinance.

(Confirmer) (10)

Article 9-9. In making the confirmation under Article 9-2 paragraph 4, the designated confirming organization shall have a confirmer conduct the business concerning judgement as

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to whether the method of prior process conform to the standards as prescribed by Cabinet Order under paragraph 3 of said Article.

2. A confirmer shall be appointed from among the persons who have knowledge and experience necessary for the confirmation business and meet requirements prescribed by Ministry of Transport Ordinance.

3. The designated confirming organization shall, when it has appointed a confirmer, notify the effect to the Commandant of the Maritime Safety Board not later than fifteen days from the day of such appointment. The same shall also apply when this has been altered.

4. The Commandant of the Maritime Safety Board may, when a confirmer has committed acts in violation of this Law, the order or disposal based on this Law, or the confirmation business rules, or has committed exceedingly inappropriate acts concerning the confirmation business rules, order the designated confirming organization to dismiss the confirmer.

5. A person, who has been dismissed by the order under the provision of the preceding paragraph and for whom a period of two years will not have been elapsed counting from the day of such dismissal, may not become a confirmer.

(Directors and officers with nature of public official)
(10)

Article 9-10. Directors and officers of the designated confirming organization who are engaged in the confirmation business shall, with respect to application of the Penal Code (Law No. 45, 1907) and other penal provisions, be regarded as members engaged in public affairs in accordance with laws and ordinances.

(Business report, etc.) (10)

Article 9-11. The designated confirming organization shall, not later than three months after the closing of every accounting period, prepare the business report on the confirmation business and the statement of receipts and disbursements in said accounting period, and submit them to the Commandant of the Maritime Safety Board.

(Suspension and discontinuance of business) (10)

Article 9-12. The designated confirming organization shall not, without obtaining a permission of the Commandant of the Maritime Safety Board, suspend the confirmation business in part or whole, or discontinue it.

(Supervisory order) (10)

Article 9-13. The Commandant of the Maritime Safety Board may, when he considers it necessary for enforcement of this Law, give necessary orders to the designated confirming organization for the purpose of supervising the confirmation business.

(Report and inspection) (10)

Article 9-14. The Commandant of the Maritime Safety Board may, to the extent necessary for enforcement of this Law, have the designated confirming organization report on the confirmation business, or have its officers enter into the office of the designated confirming organization or other working place to inspect operating conditions of the confirmation business or the account books and documents, and other articles.

2. Officers who make a spot inspection in accordance with the provision of the preceding paragraph shall carry with them the identification cards and present them to the persons concerned.

3. The authorization to a spot inspection under the

provision of paragraph 1 shall not be construed to be recognized for search of crime.

(Cancellation of designation) (10)

Article 9-15. The Commandant of the Maritime Safety Board may, in case the designated confirming organization falls under any of the following respective items, cancel the designation or order to suspend the confirmation business in whole or part by specifying the period:

- (1) When it has violated the provisions of this Section;
- (2) When it has come to fall under Article 9-7 paragraph 3 item (4);
- (3) When it has operated the confirmation business not to go by the confirmation business rules sanctioned in accordance with the provision of Article 9-8 paragraph 1;
- (4) When it has violated the order under the provision of Article 9-8 paragraph 2, Article 9-9 paragraph 4 or Article 9-13;
- (5) When it has been designated through illegal means.

(Public notice) (10)

Article 9-16. The Commandant of the Maritime Safety Board shall, when it has cancelled the designation, the permission under the provision of Article 9-12 or the designation under the provision of the preceding Article, give public notice of the effect in the *Official Gazette*.

(Investigation demand)

Article 9-17. An investigation demand governed by the Administrative Complaint Investigation Law (Law No. 160, 1962) may, with respect to a disposition or its forbearance pertaining to the confirmation business made by the designated confirming organization, be made to the Commandant of the Maritime Safety Board.

CHAPTER III
CONTROL OF DISCHARGE OF WASTES FROM SHIP

(Prohibition of discharge of wastes from ship) (1)(3)(6)
(10)

Article 10. No person shall discharge wastes from a ship on the sea area. Provided that, this shall not apply to the discharge of wastes falling under any of the following respective items:

- (1) The discharge of wastes for the purpose of securing the safety of a ship or saving human life:
- (2) Such discharge of wastes as when wastes were discharged due to damage to the ship or by other unavoidable cause and all the possible measures to prevent the continuous discharge of wastes were taken.

2. The provision of the main clause of the preceding paragraph shall not apply to such discharge from a ship of wastes as falls under any of the following respective items:

- (1) The discharge of excreta or sewage, or wastes similar thereto (hereinafter referred to as "excreta, etc.") arising from daily living of seamen and other persons on board said ship (limited to the discharge to be made in accordance with the standards as prescribed by Cabinet Order concerning the discharge sea area and the discharge method, in the case of the discharge of excreta, etc. as prescribed by Cabinet Order from a ship whose gross tonnage and capacity of carrying persons are equal to or over the gross tonnage and capacity of carrying persons as prescribed by Cabinet Order);
- (2) The discharge of refuse or wastes similar thereto (excluding wastes prescribed by Cabinet Order), which is

made in accordance with the standards as prescribed by Cabinet Order concerning to the discharge sea area and discharge method;

- (3) The discharge to be made in accordance with the standards concerning the discharge method as prescribed by Cabinet Order to the place to be reclaimed under license referred to Article 2 paragraph 1 of the Law for Reclamation by Dumping of Public Waters (Law No. 57 of 1921) or with the approval referred to Article 42 paragraph 1 of said Law, or the place to be provided as a place for waste disposal;
- (4) The discharge of wastes to be made in accordance with the standards concerning the discharge sea area and the discharge method as prescribed by Cabinet Order, which are allowed to be dumped into the sea for disposal by Cabinet Order referred to Article 6 paragraph 3 or Article 12 paragraph 1 of the Waste Disposal and Public Cleansing Law (Law No. 137 of 1970) and other wastes inevitable to be disposed of at the sea as specified by Cabinet Order.
- (5) The discharge to be made (excluding the discharge to be made on the surrounding sea area of this country as prescribed by Cabinet Order (hereinafter referred to as this country's surrounding sea area)), of such wastes as loaded in a foreign country which is a contracting party (hereinafter referred to simply as "contracting party") of the Convention on the Prevention of Marine Pollution by Dumping Wastes or other Matter (hereinafter referred to as "Marine Dumping Control Convention"), in accordance with the laws and ordinance of said contracting party;
- (6) The discharge of wastes for the purpose of reclamation on the internal waters or on the territory of a foreign country.

3. If, in cases where wastes are discharged in accordance with the provision of item (4) of the preceding paragraph, the wastes are prescribed by Cabinet Order as those requiring special care from the viewpoint of the preservation of marine environment in regard to the discharge of wastes, a person who intends to discharge wastes from a ship shall, before loading said wastes into a ship (if said wastes are generated on board a ship, before the discharge thereof), submit an application for confirmation and obtain the confirmation from the Commandant of the Maritime Safety Board with respect to the plan on the discharge conforming to the standards under said item.

4. The Commandant of the Maritime Safety Board shall, when he has received the application under the preceding paragraph and confirmed that the plan on the discharge conform to the standards under paragraph 2 item (4), issue a discharge confirmation certificate to the applicant.

5. A person to whom a discharge confirmation certificate has been issued shall provide it on board the ship engaging in the discharge of said wastes.

6. In addition to those provided in the preceding three paragraphs, the form of an application for confirmation, form of a discharge confirmation certificate and other matters necessary for confirmation shall be prescribed by Ministry of Transport Ordinance.

(Equipments for prevention of marine pollution by excreta, etc.) (10)

Article 10-2. The owner of a ship shall provide excreta, etc. discharge prevention equipments (meaning equipments provided in a ship for disposal or treatment of excreta, etc. generated on board a ship; hereinafter the same) on board a ship of not less than the gross tonnage and the capacity of

carrying persons as prescribed by Cabinet Order referred to paragraph 2 item (1) of the preceding Article (limited to a ship which is engaged on voyage between a port of one country and that of another country (hereinafter referred to as international voyage")).

2. The technical standards concerning the excreta, etc. discharge prevention equipments under the provision of the preceding Article shall be prescribed by Ministry of Transport Ordinance.

(Registration of waste discharge ship) (8)(10)

Article 11. The owner of a ship shall, when he intends to use his ship regularly for the discharge of wastes to be made in accordance with the provision of paragraph 2 item (3) or (4) of Article 10, have said ship registered with the Commandant of the Maritime Safety Board.

(Ditto) (10)

Article 12. The owner of a ship who intends to apply for the registration under the preceding Article shall submit to the Commandant of the Maritime Safety Board an application stating the following matters:

- (1) Name or appellation and address of said shipowner, and in the case of a juridical person, name and address of the representative;
- (2) Number, name, quality, gross tonnage and navigating area of said ship;
- (3) Main loading place of wastes;
- (4) Kind of wastes;
- (5) Outline of the equipments of said ship for loading and discharge of wastes and other equipment and structure of the ship as prescribed by Ministry of Transport Ordinance;

(6) Other matters as prescribed by Ministry of Transport Ordinance.

2. The Commandant of the Maritime Safety Board shall, when he has received the application under the preceding paragraph, register the ship except when the equipment and structure of said ship do not confirm to the technical standards as prescribed by Ministry of Transport Ordinance for securing appropriate discharge of wastes.

(Ditto)

Article 13. The Commandant of the Maritime Safety Board shall, when he has made registration under Article 11, notify the applicant by designating the registration number and issue the registration certificate.

2. The owner of a registered ship shall keep the registration certificate on board said ship and display the designated register number outside the hull to be easily seen by the method as prescribed by Ministry of Transport Ordinance.

(Ditto) (8)(10)

Article 14. When any alteration has been made to the matters mentioned in the respective items of Article 12 paragraph 1 with respect a ship which has obtained registration under Article 11, or when the owner of a ship has ceased to use regularly a ship which has obtained registration under Article 11 for the discharge of wastes to be made in accordance with the provision of Article 10 paragraph 2 item (3) or (4), the owner of said ship shall without delay notify that effect to the Commandant of the Maritime Safety Board.

(Cancellation of registration) (10)

Article 15. The Commandant of the Maritime Safety Board may, when he considers that the ship having obtained registration under Article 11 has failed to conform to the technical

standards as prescribed by Ministry of Transport Ordinance referred to Article 12 paragraph 2, cancel the registration of said ship.

(Waste disposal record book)

Article 16. The master of a ship having obtained registration under Article 11 (in the case of a towed ship, etc., the owner of the ship; hereinafter the same in next paragraph and paragraph 3) shall keep a waste disposal record book on board the ship (in the case of towed ship, etc., at the office of the shipowner managing said ship, the same in paragraph 3).

2. The master of a ship shall, whenever the discharge of wastes and other operations concerning handling of wastes as prescribed by Ministry of Transport Ordinance have been carried out on board said ship, make an entry of it in the waste disposal record book in accordance with Ministry of Transport Ordinance.

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

4. In addition to those prescribed in the preceding three paragraphs, the form of the waste disposal record book and other matters necessary for the waste disposal record book shall be prescribed by Ministry of Transport Ordinance.

(Notification of temporary discharge)

Article 17. The owner of a ship other than the ship having obtained registration under Article 11 shall, whenever he uses said ship for the discharge of wastes as prescribed in Article 10 paragraph 2 item (4) (excluding the wastes as prescribed by Cabinet Order referred to paragraph 3 of said Article) in the quantity equal to or exceeding the quantity as prescribed by Ministry of Transport Ordinance, in advance

notify it to the Commandant of the Maritime Safety Board in accordance with Ministry of Transport Ordinance.

CHAPTER III-II
SURVEY AND INSPECTION OF MARINE POLLUTION
PREVENTION EQUIPMENTS, ETC. OF SHIP

(10)

(Periodical survey) (10)

Article 17-2. The owner of a ship, among those ships required to be provided with the equipments for prevention of marine pollution (meaning the equipments prescribed in Article 5 paragraphs 1 through 3, Article 9-3 paragraph 1 or Article 10-2 paragraph 1; hereinafter the same), which is prescribed by Ministry of Transport Ordinance (hereinafter referred to as "a ship to be surveyed) according to the classification of use, navigating sea area, and size, etc. as those requiring the survey of the Minister of Transport for minimizing marine pollution in event of the discharge of oil, harmful liquid substance or excreta, etc. made from said ship, shall be subjected to the periodical survey the Minister of Transport conducts with respect to the equipments for prevention of marine pollution provided in said ship to be surveyed (in the case of a tanker or ship as prescribed in Article 9-3 paragraph 3, including its cargo hold; hereinafter referred to as "marine pollution prevention equipments, etc.") when he intends to put said ship to be surveyed in service for initial navigation. The same shall also apply when he intends to put said ship to be surveyed, to which a marine pollution prevention certificate has been issued under paragraph 1 of next Article, in service

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for navigation after expiration of the term of its validity.

(Marine pollution prevention certificate) (10)

Article 17-3. The Minister of Transport shall, when he considers that the marine pollution prevention equipments, etc. conform to the technical standards as provided in Article 5 paragraph 4, Article 5-2, Article 9-3 paragraph 2 or 3, or Article 10-2 paragraph 2 after the survey under the preceding paragraph, issue to the owner of a ship a marine pollution prevention certificate according to the classification of the marine pollution prevention equipments, etc. as prescribed by Ministry of Transport Ordinance.

2. The validity term of a marine pollution prevention certificate under the preceding paragraph (hereinafter referred to as a "marine pollution prevention certificate") shall be four years (with respect to a ship of which the navigating area is smooth water area, which is prescribed by Ministry of Transport Ordinance, the term specified otherwise by the Minister of Transport). Provided that, with respect to a ship which has any reason specified by Ministry of Transport Ordinance at the time of expiration of the term of validity, the Minister of Transport may extend the term of validity for five months only.

3. In the case of foreign countries, the affairs provided in the proviso to the preceding paragraph shall be conducted by the Japanese consulars.

4. In addition to those provided in the Administrative Complaint Investigation Law, matters necessary for investigation demand in regard to disposal pertaining to the affairs under the preceding paragraph which are conducted by the consulars or its forbearance shall be prescribed by Cabinet Order.

5. The validity term of a marine pollution prevention certificate pertaining to the ship as provided in Article 17-12 paragraph 2 shall be deemed to expire when resistration of the class of said ship to be surveyed has been cancelled.

6. The Minister of Transport may, if he issues a marine pollution prevention certificate, attach necessary conditions concerning the use, navigating sea area and other matters of said ship to be surveyed, and state them in the marine pollution prevention certificate.

(Intermediate survey) (10)

Article 17-4. The owner of a ship to be surveyed to which a marine pollution prevention certificate issued shall, at the time as designated by Ministry of Transport Ordinance during the validity term of a marine pollution prevention certificate, be subjected to an intermediate survey the Minister of Transport conducts with respect to the marine pollution prevention equipments, etc. (excluding excreta, etc. discharge prevention equipments) provided in said ship to be surveyed.

(Occasional survey) (10)

Article 17-5. The owner of a ship to be surveyed to which a marine pollution prevention certificate issued shall, when conversion or repair as prescribed by Ministry of Transport Ordinance is made with respect to the marine pollution prevention equipments, etc. provided in said ship to be surveyed or at the time as designated otherwise by Ministry of Transport Ordinance, be subjected to an occasional survey the Minister of Transport conducts with respect to said marine pollution prevention equipments, etc.

(Suspension of validity for certificate) (10)

Article 17-6. The Minister of Transport shall, when the results of survey under the preceding two Articles show

that the marine pollution prevention equipments, etc. provided in said ship to be surveyed have not conformed to the technical standards, suspend the validity of a marine pollution prevention certificate for the time before it is found that they have come to conform to the technical standards.

(Provisional marine pollution prevention certificate) (10)

Article 17-7. The owner of said ship to be surveyed which holds novalid marine pollution prevention certificate shall, when he intends to employ said ship to be surveyed for unscheduled navigation, be subject to the survey the Minister of Transport conducts with respect to the marine pollution prevention equipments, etc. provided in said ship to be surveyed.

2. The Minister of Transport shall, when the result of survey under the preceding paragraph shows that said marine pollution prevention equipments, etc. conform to the technical standards, issue to the owner of a ship a provisional marine pollution prevention certificate by specifying the term of validity, according to the classification of the marine pollution prevention equipments, etc. as prescribed by Ministry of Transport Ordinance referred to Article 17-3 paragraph 1.

3. The Minister of Transport may, when he issues a provisional marine pollution prevention certificate under the preceding paragraph (hereinafter referred to as a "provisional marine pollution prevention certificate"), attach necessary conditions concerning navigation area and other matters of said ship to be surveyed and state them in said provisional marine pollution prevention certificate.

(Marine pollution prevention survey hand book) (10)

Article 17-8. The Minister of Transport shall, for the purpose of recording the matters concerning the survey under Article 17-2, Article 17-4, Article 17-5, or paragraph 1 of the

preceding Article (hereinafter referred to "legal survey") issue a marine pollution prevention survey hand book, to the owner of a ship to be surveyed which has passed an initial periodical survey.

(International marine pollution prevention certificate)
(10)

Article 17-9. The Minister of Transport shall, upon application of the owner of a ship to be surveyed engaging on international navigation, issue an international marine pollution prevention certificate according to the classification of the marine pollution prevention equipments, etc. as prescribed by Ministry of Transport Ordinance referred to Article 17-3 paragraph 1.

2. In issuing an international marine pollution prevention certificate under the preceding paragraph (hereinafter referred to as an "international marine pollution prevention certificate"), the Minister of Transport shall do so by reviewing the statement and other matters of the marine pollution prevention certificate or provisional marine pollution prevention certificate, or the ship inspection certificate (meaning the ship inspection certificate under Article 9 paragraph 1 of the Ship's Safety Law (Law No.11 of 1933)) or provisional navigation permit (meaning the provisional navigation permit under paragraph 2 of said Article) pertaining to said ship to be surveyed.

3. The validity term of an international marine pollution prevention certificate shall be to the day on which the validity term of the marine pollution prevention certificate expires (in the case of a ship to which a provisional marine pollution prevention certificate was issued, the day on which the validity term of said provisional marine pollution prevention certificate expires).

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

(Navigation of ship to be surveyed) (10)

Article 17-10. The ship to be surveyed shall not be put in service for navigation without obtaining a valid marine pollution prevention certificate or provisional marine pollution prevention certificate.

2. The ship to be surveyed shall not be engaged on international voyage without obtaining a valid international marine pollution prevention certificate.

3. The ship to be surveyed shall not be put in service for navigation without being subject to the conditions stated in a marine pollution prevention certificate, provisional marine pollution prevention certificate, or international marine pollution prevention certificate.

4. The provisions of paragraph 1 and the preceding paragraph shall not apply when the test operation is carried out for the legal inspection or the inspection under the provision of Article 5 paragraph 1 of the Ship's Safety Law.

(Keeping of marine pollution prevention certificate, etc.)
(10)

Article 17-11. The shipowner to whom the marine pollution prevention certificate, provisional marine pollution prevention certificate, or international marine pollution prevention certificate, or the marine pollution prevention survey hand book has been issued shall keep such certificate or hand book on board said ship to be surveyed.

(Inspection by Classification Society) (10)

Article 17-12. The Minister of Transport may, on intimation

of a juristic person as incorporated in accordance with the provision of Article 34 of the Civil Code, who performs the business concerning registration of the class, recognize such person as a person who conducts the inspection.

2. The ship to be surveyed, for which the recognized juristic person under the provision of the preceding paragraph (hereinafter referred to as the "Classification Society") has conducted the inspection of the marine pollution prevention equipments, etc. and registered the class, shall, while holding said class, be deemed that the Minister of Transport conducts the legal inspection of said marine pollution prevention equipments, etc. and recognizes the equipments, etc. to conform to the technical standards.

3. The provisions of Article 8 paragraph 2 and Article 24-2 of the Ship's Safety Law shall apply mutatis mutandis to the supervision concerning the inspection business of the Classification Society under the provision of the preceding paragraph, and the provisions of Article 23 and Article 24 of said Law shall apply mutatis mutandis to the officers or staff members engaging in the inspection business of the Classification Society under the provision of said paragraph. In such case, the phrases "inspection of the matters mentioned in Article 2 paragraph 1 items (1) through (5), items (10) through (12) in respect of the ship mentioned in Article 8 and of its loadline" appearing in Article 23 paragraph 1 of said Law, and "inspection mentioned in the preceding Article" appearing in Article 24 paragraph 1 of said Law shall be amended to read respectively as "inspection as provided in Article 17-12 paragraph 2 of the Law concerning Prevention of Marine Pollution and Disasters at Sea in respect of the marine pollution prevention equipments, etc. as provided in Article 17-2 of said Law."

(Re-inspection) (10)

Article 17-13. Any person who is dissatisfied with the result of the legal inspection may, within thirty days counting from the next day of the day on which he received the notice concerning the result of said inspection, apply for re-inspection to the Minister of Transport together with the documents stating the reason.

2. Any person who is dissatisfied with the result of the re-inspection under the preceding paragraph may bring an action for cancellation thereof.

3. Any person who has applied for re-inspection shall not alter existing state of the parts concerned without obtaining the permission of the Minister of Transport.

4. Any person who is dissatisfied with the result of the legal inspection may dispute on this only according to the provisions of paragraph 1 and paragraph 2.

(Order, etc. to conform to technical standards) (10)

Article 17-14. The Minister of Transport may, when he deems that the marine pollution prevention equipments, etc. provided in said ship have ceased conforming to the technical standards, order the owner of said ship to return the marine pollution prevention certificate or provisional marine pollution prevention certificate, to convert or repair said marine pollution prevention equipments, etc, or to take other necessary measures.

2. The Minister of Transport may, in cases where he has issued an order based on the provision of the preceding paragraph, nevertheless the owner of said ship fails to obey the order, and if he deems that it is a threat of harm to preservation of marine environment to continue the navigation, order the owner of the master of said ship to stop the navigation

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of said ship or forbid its navigation.

3. The officials of the Ministry of Transport who are designated beforehand by the Minister of Transport may, if in the case under the preceding paragraph, they consider that there is urgent need for promoting preservation of marine environment, immediately exercise the power of the Minister of Transport under the provision of said paragraph.

4. The Minister of Transport shall, if he deems that the fact provided in Article 1 has ceased to exist with respect to the ship involved in a disposition under the provision of paragraph 2, immediately cancel the disposition.

(Application mutatis mutandis of Ship's Safety Law) (10)

Article 17-15. The provisions of Article 6 paragraph 3 and 4 Article 6-2 through Article 6-4, Article 9 paragraphs 3 through 5, Article 11, Article 29-3, and Article 29-4 paragraph 1 and 2 of the Ship's Safety Law shall apply mutatis mutandis to the survey or inspection of the marine pollution prevention equipments. In this case, the phrase "as regards the matters mentioned in the respective items of Article 2 paragraph 1" appearing in Article 6 paragraph 3 of said Law and the phrase "as regards the ship or the matters mentioned in the respective items of Article 2 paragraph 1" appearing in Article 6-2, Article 6-3, Article 6-4 paragraph 1 shall be amended to read respectively as "under the provisions of Article 5 paragraphs 1 through 3, Article 9-3 paragraph 1, or Article 10-2 paragraph 1 of the Law concerning Prevention of Marine Pollution and Marine Disaster"; the phrases "the preceding three paragraphs" appearing in Article 6 paragraph 4 of said Law to read as "the preceding paragraph" and "the inspection under the preceding Article (excluding a special inspection) and manufacture inspection (limited to the matters which have passed the inspection

under the provision of the preceding paragraph") as "the legal inspection under the provision of Article 17-8 of the Law phrase "Article 5 paragraph 1 item (3)" appearing in Article 6-2 and Article 6-3 of said Law to read as "Article 17-5 of said Law; phrase "under the provision of Article 2 paragraph 1" appearing in Article 6-2 of said Law to read as "under the provision of Article 5 paragraph 4, Article 9-3 paragraph 2 or Article 10-2 paragraph 2 of said Law"; and phrases "the inspection under Article 5 (excluding a special inspection) and the inspection under the preceding Article" appearing in said Article and "inspection under Article 5 (excluding a special inspection) and the inspection under Article 6" appearing in Article 6-4 paragraph 1 of said Law to read respectively as "the legal inspection provided in Article 17-8 of said Law and the inspection under Article 6 paragraph 3 as applied mutatis mutandis in Article 17-15 paragraph 1 of said Law"; "periodical inspection or intermediate inspection" appearing in Article 6-3 of said Law to read as "inspection under Article 17-2 or Article 17-4 of said Law" and "unscheduled inspection" in said Article to read as "inspection under Article 17-5 of said Law."

2. The provisions of Article 12 paragraph 1 and paragraph 2 of the Ship's Safety Law shall apply mutatis mutandis to those who are recognized under the provision of Article 6-2 or Article 6-3 as applied mutatis mutandis in the preceding paragraph. In this case, "on the ship's seaworthiness and the safety of human life" shall be amended to read as "on manufacture, conversion or repair, or maintenance of the marine pollution prevention equipments of a ship."

3. The provisions of Chapter III of the Ship's Safety Law shall apply mutatis mutandis to the designated inspecting organization under the provision of Article 6-4 paragraph 1 of

said Law as applied mutatis mutandis in paragraph 1. In this case, phrase "on the ship or the matters mentioned in the respective items of Article 2 paragraph 1" shall be amended to read as "under the provisions of Article 5 paragraph 1 through paragraph 3, Article 9-3 paragraph 1 or Article 10-2 paragraph 1 of the Law concerning Prevention of Marine Pollution and Marine Disaster".

(Exception to foreign ships) (10)

Article 17-16. The provisions of Article 17-2 through Article 17-14 shall not apply to foreign ships. Provided that, this shall not apply to foreign ships navigating between the ports or only a port of this country.

(Supervision of foreign ships) (10)

Article 17-17. The Minister of Transport may, if he deems that the marine pollution prevention equipments, etc. provided in a foreign ship (excluding a foreign ship provided in the proviso to the preceding Article) which is located in a port or offshore mooring facility of this country have not conform to the technical standards, order the master of said ship to convert or repair said marine pollution prevention equipments, etc or to take other necessary measures.

2. The provisions of Article 17-14 paragraph 2 through paragraph 4 shall apply to the case under the preceding paragraph.

(Conventional certificate issued by contracting government of protocol) (10)

Article 17-18. The owner or master of a Japanese ship to be surveyed shall, when he intends to obtain a conventional certificate (meaning a writing, which is issued by the contracting government of the protocol as a certificate prescribed in the protocol, certifying that the marine pollution prevention

equipments, etc. conform to the technical standards as prescribed in the protocol; hereinafter the same) from the contracting government of the protocol, apply for it through a Japanese consul.

2. The conventional certificate obtained in accordance with the provision of the preceding paragraph shall be deemed as an international marine pollution prevention certificate issued by the Minister of Transport in accordance with the provision of Article 17-9 paragraph 1.

(Issuance of certificate to ship of contracting party of protocol) (10)

Article 17-19. The Minister of Transport may, if requested from the contracting government of the protocol to issue a certificate equivalent to an international marine pollution prevention certificate with respect to a ship of said protocol contracting party (excluding foreign ships as provided in the proviso to Article 17-16), conduct a survey equipment to the survey under the provision of Article 17-2 with respect to the marine pollution prevention equipments, etc. provided in said ship, and issue to the owner or master of said ship a certificate equivalent to an international marine pollution prevention certificate when the result of survey shows that said marine pollution prevention equipments, etc. conform to the technical standards.

(Delegation to Ministerial Ordinance) (10)

Article 17-20. The form of an application for survey, practice method of survey and other necessary matters concerning the survey of marine pollution prevention equipment, etc., and the forms of a marine pollution prevention certificate, provisional marine pollution prevention certificate and international marine pollution prevention certificate and other

necessary matters concerning these certificate such as issue,
reissue and renewal thereof shall be prescribed by Ministry of
Transport Ordinance.

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CHAPTER IV
CONTROL OF DISCHARGE OF OIL AND WASTES
FROM MARINE FACILITIES AND AIRCRAFT (8)

(Prohibition of discharge of oil and wastes from marine facilities and aircraft) (10)

Article 18. No person shall discharge oil or wastes on the sea area from marine facilities or aircraft. Provided that, this shall not apply to the discharge of oil or wastes falling under any of the following respective items:

- (1) The discharge of oil or wastes for the purpose of securing the safety of marine facilities or aircraft or saving human life;
- (2) Such discharge of oil or wastes as when oil or wastes were discharged due to damage to marine facilities or aircraft, or by other unavoidable cause and all the possible measures to prevent the continuous discharge of oil or wastes were taken.

2. The provision of the main clause of the preceding paragraph shall not apply to the discharge from marine facilities of oil or wastes falling under any of the following respective items:

- (1) The discharge of excreta, etc. arising from daily living of persons in said marine facility (limited to the discharge to be made in compliance with the standards as prescribed by Cabinet Order concerning the discharge method, in the case of the discharge of excreta etc. as prescribed by Cabinet Order referred to Article 10 paragraph 2 item (1) from the marine facility with capacity of accommodating persons not less than the number of persons as prescribed by Cabinet Order);

- (2) The discharge of refuse or wastes similar thereto arising from daily living of persons in said marine facility (excluding wastes as prescribed by Cabinet Order referred to Article 10 paragraph 2 item (2)), which is made in compliance with the standards as prescribed by Cabinet Order concerning the discharge sea area and discharge method;
- (3) The discharge to be made in compliance with the standards concerning the discharge method as prescribed by Cabinet Order, of oil or such wastes as provided in Article 10 paragraph 2 item (4) (excluding wastes as prescribed by Cabinet Order referred to paragraph 3 of said Article).

3. The provision of the main clause of paragraph 1 shall not apply to such discharge from aircraft of oil or wastes as falling any of the following respective items:

- (1) The discharge of sewage arising from daily living of persons in said aircraft and others such as oil or wastes which are inevitable to be discharged on the sea area and prescribed by Cabinet Order;
- (2) The discharge of wastes loaded in the contracting party to be made in accordance with laws or ordinances of said contracting party (excluding the discharge to be made on surrounding sea area of this country).

4. The provisions of Article 4 paragraphs 4 and 5 shall apply mutatis mutandis to the discharge of oil from aircraft to be made for the test, study or research concerning prevention of marine pollution.

(Notification of establishing marine facilities) (10)

Article 18-2. Any person who intends to establish marine facilities shall, as prescribed by Ministry of Transport Ordinance, notify the Commandant of the Maritime Safety Board of the following matters:

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- (1) Name or appellation and address of a person establishing said marine facilities, and in the case of a juridical person, name and address of the representative thereof;
- (2) Location and outline of said marine facility;
- (3) Other matters as prescribed by Ministry of Transport Ordinance.

2. The person who has given notification under the provision of the preceding paragraph shall, if any change is made to matters pertaining to the notification, without delay notify it to the Commandant of the Maritime Safety Board in accordance with Ministry of Transport Ordinance.

(Oil record book in marine facility) (10)

Article 19. The manager of a marine facility as prescribed by Ministry of Transport Ordinance who handles oil shall keep an oil record book in a marine facility. Provided that, in the event of there being any difficulty of keeping it in said marine facility, he may keep it in the office of the manager of said marine facility.

2. The manager of a marine facility under the provision of the preceding paragraph shall, whenever acceptance of oil in said marine facility or other operation concerning handling of oil as prescribed by Ministry of Transport Ordinance has taken place, make an entry of it in the oil record book.

3. The manager of a marine facility shall keep the oil record book in the office of said marine facility for three years from the day on which the last entry was made.

4. In addition to those provided in the preceding three paragraphs, the form of the oil record book and other necessary matters concerning the oil record book shall be prescribed by Ministry of Transport Ordinance.

CHAPTER IV-II
CONTROL OF INCINERATION OF OIL, HARMFUL LIQUID
SUBSTANCE, ETC. AND WASTES IN SHIP AND MARINE FACILITY
(10)

(Control of incineration of oil, harmful liquid substance,
etc. and wastes) (8)(10)

Article 19-2. No person shall, in a ship or marine facility, incinerate oil, harmful liquid substance, etc. and wastes (hereinafter referred to as "oil, etc." in this Article and next Article) which are prescribed by Cabinet Order as those causing a threat of serious harm to the preservation of marine environment.

2. Any person who intends to incinerate oil, etc. other than such oil, etc. as prescribed by Cabinet Order referred to the preceding paragraph shall, in compliance with the standards concerning the incineration sea area or incineration method as prescribed by Cabinet Order, incinerate said oil, etc.

3. If, in cases where the incineration of oil, etc. is made in accordance with the provision of the preceding paragraph, the oil etc. are prescribed by Cabinet Order as those requiring a special care from the viewpoint of preservation of marine environment in regard to the incineration thereof, a person who intends to incinerate said oil, etc. shall, before loading of said oil, etc. to a ship or marine facility (In the case of said oil, etc. generated in said ship or marine facility, before the incineration), submit an application for confirmation with respect to the plan on the incineration to conform to the standards under said paragraph, and obtain a confirmation from the Commandant of the Maritime Safety Board.

4. The Commandant of the Maritime Safety Board shall, when he received the application under the preceding paragraph

and confirmed that the plan on the incineration conforms to the standards under paragraph 2, issue an incineration confirmation certificate to the applicant.

5. A person who has obtained an incineration confirmation certificate shall keep the incineration confirmation certificate on board a ship or marine facility engaging in incineration of said oil, etc.

6. In addition to those as prescribed in the preceding three paragraphs, the form of an application for confirmation, form of an incineration confirmation certificate, and other necessary matters concerning confirmation shall be prescribed by Ministry of Transport Ordinance.

7. The provisions of paragraph 1 through paragraph 5 shall not apply to such incineration of oil, etc. as falling under any of the following respective items:

- (1) The incineration of disused oil, etc. generated in the course of daily living of the persons in said ship or marine facility or such other disused oil, etc. generated in said ship or marine facility as prescribed by Cabinet Order;
- (2) The incineration of oil, etc. to be carried out in the survey under paragraph 1 of the preceding Article or Article 19-4 paragraph 1;
- (3) The incineration of oil, etc. loaded in a State of the Contracting party (excluding the contracting party for which the provision concerning the control of incineration of wastes or other matter at sea among those provisions of Marine Dumping Control Convention does not enter into force; hereinafter the same) to be made in accordance with laws or ordinance of said contracting party (excluding incineration on the surrounding sea area

of this country).

(Survey, etc. of incineration system) (8)(10)

Article 19-3. The owner of a ship or establisher of a marine facility shall, when he intends to employ the system used for incineration (hereinafter referred to as the "incineration system") of oil, etc. (excluding oil, etc. as provided in paragraph 7 item (1) of said Article; hereinafter referred to as "wastes requiring incineration confirmation") for initial incineration of wastes requiring incineration confirmation, be subjected to the survey of the Minister of Transport with respect to said incineration system. The same shall also apply when he intends to employ the incineration system which has obtained an incineration system survey certificate for the incineration of wastes requiring incineration confirmation after the expiration of its validity term.

2. The Minister of Transport shall, when the result of survey under the preceding paragraph shows that said incineration system conforms to the technical standards as prescribed by Ministry of Transport Ordinance, issue to the owner of said ship or establisher of said marine facility an incineration system survey certificate by designating kinds of such wastes requiring incineration confirmation as are allowed to be incinerated with said incineration system and operation methods of said incineration system (hereinafter referred to as "operation method, etc.").

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

(Ditto) (8)(10)

Article 19-4. The owner of a ship or establisher of a marine facility shall, when he carries out the conversion or repair as prescribed by Ministry of Transport Ordinance with

respect to said incineration system, when he intends to change the designated operation method, etc. with respect to said incineration system and to use this, or other cases as prescribed by Ministry of Transport Ordinance, be subjected to the survey of the Minister of Transport with respect to said incineration system.

2. The Minister of Transport shall, if the result of survey under the preceding paragraph shows necessity, change the designated operation method, etc. with respect to said incineration system.

(Ditto) (10)

Article 19-5. The Minister of Transport shall, when the result of survey under paragraph 1 of the preceding Article shows that said incineration system has not conformed to the technical standards as prescribed by Ministry of Transport Ordinance referred to Article 19-3 paragraph 2, suspend the validity of an incineration system survey certificate pertaining to said incineration system for the time before showing that the system has come to conform to said technical standards.

(Ditto) (8)

Article 19-6. The Minister of Transport may, when it is found that the incineration system has ceased to conform to the technical standards as prescribed by Ministry of Transport Ordinance referred to Article 19-3 paragraph 2, order restoration of an incineration system survey certificate or repair of the incineration system to the owner of a ship or establisher of a marine facility having obtained the incineration system survey certificate.

(Use of incineration system) (8)(10)

Article 19-7. The incineration system shall not be used for the incineration of wastes requiring incineration

confirmation unless it has obtained the valid incineration system survey certificate.

2. The incineration system shall not be used for incineration of wastes requiring incineration confirmation unless it is used according to the designated operation method, etc. with respect to said incineration system.

3. The provisions of the preceding two paragraphs shall not apply to the incineration of wastes requiring incineration confirmation carried out in the survey under Article 19-3 paragraph 1 or Article 19-4 paragraph 1.

(Keeping of incineration system survey certificate) (8)

Article 19-8. The owner of a ship or establisher of a marine facility having obtained the incineration system survey certificate shall keep the incineration survey certificate in said ship or marine facility.

(Incineration record book) (8)

Article 19-9. The master of a ship or establisher of a marine facility having obtained the incineration system survey certificate shall provide the incineration record book on board said ship or in said marine facility.

2. The master of a ship or establisher of a marine facility shall, whenever the incineration of wastes requiring incineration confirmation using said incineration system or other operation concerning handling of wastes requiring incineration confirmation, which is prescribed by Ministry of Transport Ordinance, has been carried out, make an entry of it in the incineration record book in accordance with Ministry of Transport Ordinance.

3. The master of a ship or establisher or a marine facility shall keep the incineration record book in the ship or marine facility for two years from the day on which the last

entry was made.

(Delegation to Ministerial Ordinance) (8)(10)

Article 19-10. The form of an application for survey, practice method of survey, other necessary matters concerning the survey incineration system, form of an incineration system survey certificate, issue, re-issue and renewal of the incineration system survey certificate, other necessary matters concerning the incineration system survey certification, form of incineration record book, and other necessary matters concerning the incineration record book shall be prescribed by Ministry of Transport Ordinance.

(Exception concerning incineration system provided in ship other than Japanese ship) (8)

Article 19-11. With respect to the incineration system (excluding the system provided in a Japanese ship and system falling under requirements as prescribed by Ministry of Transport Ordinance) which has obtained from the Government of the contracting party the valid paper concerning the incineration system certifying to conform to the laws or ordinances of said contracting party, the provisions of Article 19-3 paragraph 1, Article 19-4 paragraph 1, Article 19-6, and Article 19-7 paragraph 1 shall not apply.

2. The provision of the preceding paragraph shall not, if the application for survey as to the incineration system under the provision of the preceding paragraph has been made, preclude the Minister of Transport, who deems said application to be the application for survey referred to the former part of paragraph 1 of Article 19-3, from conducting said survey. In this case, when the Minister of Transport has issued the incineration system survey certificate, the provisions of the latter part of paragraph 1 of said Article, Article 19-4

paragraph 1, Article 19-6, and Article 19-7 paragraph 1 shall apply to said incineration system, notwithstanding the provision of the preceding paragraph.

3. As regards the use of the incineration system provided in paragraph 1 (excluding the system which comes under application of the provision of the preceding paragraph), the word "specified" appearing in Article 19-7 paragraph 2 shall be "specified by the Government of the Contracting Party" and the words "the incineration system survey certificate" appearing in Article 19-8 and Article 19-9 paragraph 1 shall be "a writing referred to Article 19-11 paragraph 1."

CHAPTER V
WASTE OIL TREATMENT BUSINESS, ETC.

(Permission and notification of business) (2)

Article 20. A person other than a port manager and a fishing port manager shall, if he intends to carry out the waste oil treatment business, obtain permission of the Minister of Transport for each waste oil treatment facility.

2. The port manager or fishing port manager shall, if he intends to carry out the waste oil treatment business, notify that effect to the Minister of Transport not later than sixty days before the day of start of the construction of establishing a waste oil treatment facility (if construction work is not required, the day of start of the business).

(Ditto) (2)

Article 21. The person intending to obtain permission under paragraph 1 of the preceding Article shall submit to the Minister of Transport an application stating the following matters;

- (1) The name or appellation and the address of the person performing said waste oil treatment business, and the name and the address of the representative in the case of a juridical person;
- (2) The following matters concerning said waste oil treatment facility:
 - (a) Place of establishment (with respect of a waste oil treatment facility which is a ship, the main base):
 - (b) In case waste oil is collected by ship or vehicle, sea area where such ship as discharges waste oil to be collected is lying;
 - (c) Kind and capacity of the waste oil treatment facility;

(d) Kind of waste oil to be treated.

2. A port manager or fishing port manager who makes notification as provided in paragraph 2 of the preceding Article shall submit to the Minister of Transport the notification stating the matters under item (2) of the preceding paragraph.

3. The application under paragraph 1 or the notification under the preceding paragraph shall be accompanied with the business program, the construction specification of a waste oil treatment facility and other documents as prescribed by Ministry of Transport Ordinance.

(Disqualified clauses for permission)

Article 22. A person coming under any of the following respective items may not obtain permission under Article 20 paragraph 1;

- (1) A person for whom one year has not elapsed since the date on which he, being sentenced to punishment in violation of the provisions of this Law, served out his term or ceased to serve;
- (2) A person for whom one year has not elapsed since the date on which the permission under Article 20 paragraph 1 was cancelled in accordance with the provision of Article 33 paragraph 1;
- (3) A juridical person who has a person falling under any of the preceding two items among its directors executing the business.

(Standards of permission)

Article 23. The Minister of Transport shall not, unless he deems that the application for permission under Article 20 paragraph 1 conforms to the following respective items, give permission under said paragraph;

- (1) The opening of said business shall meet the general demand

related to the surrounding sea area of the place where said waste oil treatment facility is established (in case waste oil is collected by ship or vehicle, sea area where such ship as discharges waste oil to be collected is lying;

- (2) An appropriate program shall be formulated to carry out said business;
- (3) The waste oil treatment facility for use of said business shall conform to the technical standards as prescribed by Ministry of Transport Ordinance;
- (4) The applicant shall have capability of carrying out said business accurately.

(Order for alteration of waste oil treatment facility before start of business) (2)

Article 24. The Minister of Transport may, if, in cases where the notification under the provision of Article 20 paragraph 2 is made, he deems that the waste oil treatment facility for use of said business does not conform to the technical standards as prescribed by Ministry of Transport Ordinance referred to item (3) of the preceding Article, order a port manager or fishing port manager who has made notification to alter the construction work plan (if construction work is not required, repair or conversion) of the waste oil treatment facility only before the construction start (if construction work is not required, before start of the business) relating to the notification.

(Notification of commencement of business)

Article 25. A person who has obtained permission under Article 20 paragraph 1 or has made notification under paragraph 2 of said Article (hereinafter referred to as the "waste oil treatment business operator") shall, when he has commenced

the business, without delay notify the effect to the Minister of Transport.

(Waste oil treatment rules) (2)

Article 26. A waste oil treatment business operator other than a port manager or fishing port manager shall stipulate the waste oil treatment rules with respect to the charges for waste oil treatment and other conditions of undertaking waste oil treatment, and obtain a sanction of the Minister of Transport. The same shall also apply if he intends to alter it.

2. A waste oil treatment oil business operator who is a port manager or fishing port manager shall stipulate the waste oil treatment rules with respect to the charges for waste oil treatment and other conditions of undertaking waste oil treatment, and in advance notify the Minister of Transport thereof. The same shall also apply if he intends to alter it.

3. The waste oil treatment rules under the preceding two paragraphs shall conform to the following respective items:

- (1) The charges shall be fair and adequate in view of the cost price under effective management;
- (2) The charges shall be determined expressly by fixed rate of fixed amount;
- (3) Matters concerning the receipt of charges and responsibility of the waste oil treatment business operator shall be stipulated properly and clearly;
- (4) Unreasonably discriminative treatment for a specific person shall not be made.

(Obligation to undertake waste oil treatment)

Article 27. A waste oil treatment business operator shall not refuse to undertake waste oil treatment without justifiable reason.

(Change of waste oil treatment facility, etc.) (2)

Article 28. A waste oil treatment business operator other than a port manager and fishing port manager shall, if he intends to change the matters under Article 21 paragraph 1 item (2), obtain permission of the Minister of Transport. Provided that, this shall not apply to the minor change as prescribed by Ministry of Transport Ordinance.

2. The provision of Article 23 shall apply mutatis mutandis to the permission under the preceding paragraph.

3. A waste oil treatment business operator who is a port manager or fishing port manager shall, if he intends to change the matters under Article 21 paragraph 1 item (2), notify the effect to the Minister of Transport not later than thirty days before the day of start of the construction work for the change to a waste oil treatment facility relating to the change (if construction work is not required, the day of the change). Provided that, this shall not apply to the minor change as prescribed by Ministry of Transport Ordinance.

4. The provision of Article 24 shall apply mutatis mutandis when the notification under the provision of the preceding paragraph was made. In this case, the phrase "before start of the business" appearing in said Article shall be changed to read as "before the change".

5. A waste oil treatment business operator shall, if he has made the minor change as prescribed by Ministry of Transport Ordinance under proviso to paragraph 1, without delay notify the effect to the Minister of Transport.

(Change of name, etc.) (2)

Article 29. A waste oil treatment business operator other than a port manager and fishing port manager shall, if any change has been made to the matters under Article 21 paragraph 1

item (1), without delay notify the effect to the Minister of Transport.

(Maintenance, etc. of waste oil treatment facility)

Article 30. A waste oil treatment business operator shall maintain the waste oil treatment facility for use of said business so as to make it conform to the technical standards as prescribed by Ministry of Transport Ordinance referred to Article 23 item (3).

2. A waste oil treatment business operator shall treat waste oil according to the technical standards as prescribed by Ministry of Transport Ordinance concerning the method of waste oil treatment.

3. The Minister of Transport may, if he deems that the waste oil treatment facility for use of said business or the method of waste oil treatment in said business does not conform to the technical standards as prescribed by Ministry of Transport Ordinance referred to Article 23 item (3) or the preceding paragraph, order the waste oil treatment business operator to suspend the use of the waste oil treatment facility for use of said business, to repair or remodel the waste oil treatment facility for use of said business so as to make it conform to the technical standards, or to treat waste oil according to the technical standards.

(Succession) (2)

Article 31. When a waste oil treatment business operator other than a port manager and fishing port manager has been succeeded or amalgamated, the successor or the juridical person who continues to exist after the amalgamation or juridical person who has been incorporated by the amalgamation succeeds the status of the waste oil treatment business operator.

2. The person who has succeeded to the status of the

waste oil treatment business operator in accordance with the provision of the preceding paragraph shall notify the effect to the Minister of Transport.

(Suspension and discontinuance of business)

Article 32. A waste oil treatment business operator shall, if he intends to suspend the business in whole or part or to discontinue it, notify the effect to the Minister of Transport in accordance with Ministry of Transport Ordinance.

(Cancellation, etc. of permission of business) (2)

Article 33. The Minister of Transport may, if a waste oil treatment business operator other than a port manager and fishing port manager comes under any of the following respective items, order to suspend the business by specifying the period of not more than six months, or cancel the permission under Article 20 paragraph 1:

- (1) When he has violated this Law or the disposition based on this Law;
- (2) When he has failed to carry out the sanctioned matters without justifiable reason;
- (3) When he has come to fall under Article 22 item (1) or (3)

2. The Minister of Transport shall, if he intends to take the disposition under the provision of the preceding paragraph, hold a public hearing for the person involved in said disposition, after giving advance notice of appropriate period.

3. In the advance notice of the preceding paragraph, the date appointed for hearing, place and contents of business shall be indicated.

4. At the hearing, the person involved in said disposition and the interested persons shall be given the opportunity to produce the evidences and to state their opinions with respect to said case.

(Private waste oil treatment facility)

Article 34. A person who intends to treat waste oil by a waste oil treatment facility other than the waste oil treatment facility for use of waste oil treatment business (excluding small-scaled facility as prescribed by Ministry of Transport Ordinance; hereinafter referred to as the "private waste oil treatment facility") shall, not later than sixty days prior to the day of start of the construction works of establishing the waste oil treatment facility (if construction is not required, the day of start of waste oil treatment), notify the effect to the Minister of Transport.

2. The provisions of Article 21 paragraphs 1 and 3 shall apply mutatis mutandis to the notification under the preceding paragraph.

3. The provision of Article 24 shall apply mutatis mutandis in cases where the notification under the provision of paragraph 1 has been made. In this case, words "before the start of the business" appearing in said Article shall be amended to read as "before the start of waste oil treatment".

(Application mutatis mutandis)

Article 35. The provisions of Article 25, Article 28 paragraphs 3 through 5, and Articles 29 through 32 shall apply mutatis mutandis to the person who has made the notification under the provision of paragraph 1 of the preceding Article (hereinafter referred to as the "establisher of the private waste oil treatment facility").

(Recommendation, etc. to port manager) (2)

Article 36. The Minister of Transport may, when it is, with respect to a port or fishing port, recognized that the capacity of the waste oil treatment facility is not sufficient to meet the general demand of waste oil treatment in said port

or fishing port and if it is necessary to prevent marine pollution by oil from a ship, recommend a port manager of fishing port manager pertaining to said port or fishing port to reconstruct necessary waste oil treatment facilities.

2. The State shall, when it is deemed necessary, subsidize the port manager who constructs or repairs the wastes oil treatment facility, ten fifth (5/10) of the cost of such construction or repair within the limit of the budget.

(Notice, etc. prefectural governor) (2)

Article 37. The Minister of Transport shall, when the application for permission under Article 20 paragraph 1 or the notification under the provision of paragraph 2 of said Article has been made, give notice of the effect to the prefectural governor. Provided that, this shall not apply if a person who has made said notification is the port manager or fishing port manager of a prefecture.

2. A prefectural governor may, when he deems it necessary for a waste oil treatment facility in service for the waste oil treatment business operator (except when said waste oil treatment business operator is not the port or fishing port manager of a prefecture) or for the method of waste oil treatment, request the Minister of Transport to take measures under the provision of Article 30 paragraph 3.

3. The Minister of Transport shall give notice of the measures he has taken upon request made under the provision of the preceding paragraph to said prefectural governor.

CHAPTER VI
MEASURES FOR PREVENTION OF MARINE
POLLUTION AND MARINE DISASTERS (5)

(Information, etc. of discharge of oil, etc.) (10)

Article 38. If the discharge from a ship of oil or other matter (hereinafter referred to as "oil, etc." in this Article) as mentioned in the followings was made, the master of said ship shall, in accordance with Ministry of Transport Ordinance, immediately report to the nearest Maritime Safety Agency the date, time and place of said discharge made, conditions of discharge, measures taken for prevention of marine pollution, and other matters. Provided that, this shall not apply when it is found that there is no threat of spreading of said discharged oil, etc. beyond the extent as prescribed by Ministry of Transport Ordinance.

- (1) The discharge of non-evaporable oil as prescribed by Ministry of Transport Ordinance (hereinafter referred to as "specified oil"), the density and quantity of which are not less than the standard as prescribed by Ministry of Transport Ordinance (hereinafter referred to as "discharge of specified oil in large quantity");
- (2) The discharge of oil (excluding specified oil in large quantity), the density and quantity of which are not less than standards as prescribed by Ministry of Transport Ordinance;
- (3) The discharge of harmful liquid substance, etc., the quantity of which is not less than the quantity as prescribed by Cabinet Order according to the kind of harmful liquid substances, etc.;
- (4) The discharge of matters, among the matters to be

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transported as cargoes in a way other than in bulk, which are prescribed by Ministry of Transport Ordinance as those adversely affecting marine environment, and the quantity of which is not less than the quantity prescribed by Ministry of Transport Ordinance according to the kind of said matters.

2. If, in cases where collision, stranding, engine trouble of a ship, or other sea casualty has occurred, there is a threat of discharge from a ship of oil, etc. as mentioned in the respective items of the preceding paragraph, the master of said ship shall, in accordance with Ministry of Transport Ordinance, immediately report to the nearest Maritime Safety Agency the date and time, place of sea casualty which has occurred, conditions of sea casualty, measures intended to be taken for the prevention of marine pollution if the discharge of oil, etc. takes place, and other matters. Provided that, this shall not apply in case it is anticipated that there is no threat of spreading of such discharged oil, etc. as when the discharge of oil, etc. has taken place beyond the extent as prescribed by Ministry of Transport Ordinance referred to the proviso to said paragraph.

3. Where the discharge of specified oil in large quantity from a marine facility or other facilities (including those on land) was made, the manager of said facility shall, in accordance with Ministry of Transport Ordinance, immediately report to the nearest office of the Maritime Safety Board the date and time, place of said discharge made, conditions of discharge, measures taken for the prevention of marine pollution, and other matters. Provided that, this shall not apply if it is recognized that there is no threat of spreading of said discharged specified oil beyond the extent as prescribed by Ministry of

Transport Ordinance referred to the proviso to paragraph 1.

4. Where the discharge of specified oil in large quantity was made, a person, other than the person on board a ship under paragraph 1 and employee of facility under the preceding paragraph, who committed the act causing the discharge of said large quantity of specified oil (if such person is a person on board a ship, the master of said ship), shall make report in accordance with the provision of paragraph 1 or the preceding paragraph. Provided that, this shall not apply if it is apparent that the master of a ship under paragraph 1 or the manager of a facility under the preceding paragraph has made report.

5. The owner of a ship under paragraph 1 or paragraph 2, other person possessing title concerning operation of said ship, or establisher of a facility under paragraph 3 shall, if requested to serve necessary information to prevent marine pollution by the discharge of oil, etc. or sea casualty provided in paragraphs 1 through 3, respond thereto as much as possible.

6. Any person who finds the spreading of specified oil over the sea beyond the extent as prescribed by Ministry of Transport Ordinance referred to the proviso to paragraph 1 shall, without delay, report the effect to the nearest office of the Maritime Safety Board.

(Measures, etc. for removal in case of specified oil in large quantity discharged)

Article 39. When a large quantity of specified oil has been discharged, the persons mentioned in the following shall, in accordance with Ministry of Transport Ordinance, immediately take urgent measures to prevent the spreading of discharged specified oil and continuous discharge of specified oil, and to remove the discharged specified oil (hereinafter referred to as "the removal of discharged oil):

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- (1) The master of ship which has loaded said discharged specified oil or the manager of facility which has kept said discharged specified oil under custody;
- (2) A person, other than the person on board a ship under the preceding item and the employee of a facility under said item, who has done an act causing the discharge of specified oil (in case such person is on board the ship, the master of said ship).

2. When a large quantity of specified oil has been discharged, the persons mentioned in the following shall immediately take necessary measures for the removal of discharged oil in accordance with Ministry of Transport Ordinance. Provided that, this shall not apply if, where the persons provided in the preceding paragraph have taken measures under the provision of said paragraph, it is found that the removal of discharged oil may be ensured solely by the measures such persons have taken.

- (1) The owner of a ship under item (1) of the preceding paragraph;
- (2) The establisher of a facility under item (1) of the preceding paragraph;
- (3) In addition to those mentioned in the preceding two items, an employer of the person who has done an act causing the discharge of said specified oil in connection with his service (in case a person who has done such act is an officer or crew on board the ship, the owner of said ship).

3. In the case under the preceding paragraph, it is recognized that the persons mentioned in the respective items of said paragraph have not taken the measures which are to be taken in accordance with the provision of the preceding paragraph, the Commandant of the Maritime Safety Board may order such persons

to take the measures which are to be taken in accordance with the provision of said paragraph.

4. If, in cases where a large quantity of specified oil has been discharged, the discharge of said specified oil has taken place from a ship in a port or near a port, the persons mentioned in the following shall endeavor to assist such persons as provided in paragraph 1 and paragraph 2 in carrying out the measures which are to be taken in accordance with these provisions, or to take necessary measures for the removal of discharged oil in cooperation with such persons:

- (1) In case said port is a port of shipment of the discharged specified oil, the consignor of said specified oil;
- (2) In case said port is a port of landing of the discharged specified oil, the consignee of said specified oil;
- (3) In case the discharge of said specified oil takes place during mooring of the ship, the manager of said mooring facility.

(Ditto) (5)(10)

Article 39-2. The Commandant of the Maritime Safety Board may, if, in cases where a large quantity of specified oil has been discharged, it is recognized necessary to take the measures urgently for the removal of discharged oil, order the master of a ship on the sea area of the spot where said measures are taken to retire his ship from the sea area or order the master of a ship proceeding into the sea area to stop the proceeding, or restrict the navigation of a ship proceeding to the sea area.

(Materials for prevention and removal of discharged oil)
(2)(4)(10)

Article 39-3. If the specified oil has been discharged from said ship, the persons mentioned in the following shall,

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in accordance with Ministry of Transport Ordinance, provide oilfences, chemicals or other materials in said ship or facility, or at the place as specified by Ministry of Transport Ordinance so as to be able to take measures for the removal of said discharged oil. Provided that, in the case of a ship mentioned in item (1), it shall apply only when the ship is navigating in a port or on other sea area as prescribed by Ministry of Transport Ordinance;

- (1) The owner of the ship as prescribed by Ministry of Transport Ordinance;
- (2) To establisher of the facility capable of holding specified oil, landed from a ship or to be loaded in a ship, in such a quantity as prescribed by Ministry of Transport Ordinance or more;
- (3) The manager of the mooring facility capable of mooring the ship mentioned in item (1) (excluding the mooring facility mooring solely a ship other than the ship mentioned in item (1).

(Stationing of oil collecting ship, etc.) (5)(10)

Article 39-4. The owner of a tanker whose gross tonnage is not less than the gross tonnage as prescribed by Ministry of Transport Ordinance shall (in the case of a tanker which is constructed for carriage of liquid cargo in bulk in part of its cargo hold, limited to one with a capacity of a part of said cargo hold of not less than the capacity as prescribed by Ministry of Transport Ordinance; hereinafter referred to as a "specific tanker"), when he letting a specific tanker loading specified oil in bulk as cargo navigate on the sea area prescribed by Ministry of Transport Ordinance as the sea area where a specific tanker navigates regularly and the ocean is liable to be seriously polluted in view of topograph, tide or

other natural condition if the specified oil is discharged, station an oil collecting ship or provide such machines and tools for collecting oil as prescribed by Ministry of Transport Ordinance.

2. The stationing of an oil collecting ship and the place of equipping the machines and tools for collecting oil and other necessary matters for stationing and equipping shall be prescribed by Ministry of Transport Ordinance.

(Measures for removal in case of discharge of harmful substances or wastes, etc.) (10)

Article 40. The Commandant of the Maritime Safety Board may, if it is recognized that the ocean is polluted by the discharged harmful substances, wastes or other matters (excluding specified oil; hereinafter the same in this Article), said pollution causes or is feared to cause extensive impediments to the preservation of marine environment, and the prevention of said pollution is urgently necessary, order a person who is deemed to have discharged harmful liquid substances, wastes or other matters causing said pollution to eliminate said harmful liquid substances, wastes or other matters, or to take other necessary measures for the prevention of said pollution in accordance with Ministry of Transport Ordinance.

(Burden of expenses required for measures taken by Commandant of Maritime Safety Board) (2)(4)(10)

Article 41. If, in cases where any person who is liable to take measures in accordance with the provisions of Article 39 paragraphs 1 through 3 and the preceding Article does not take measures or it is deemed to be difficult to prevent marine pollution solely by measures such person takes, the Commandant of the Maritime Safety Board takes necessary measures for prevention of marine pollution, such as removal of the discharged oil, harmful liquid substances, wastes or

other matters, the Commandant may, in accordance with Ministry of Transport Ordinance, charge the expenses incurred for said measures to the owner of a ship having loaded said discharged oil, harmful liquid substances, wastes or other matters or to the establisher of a marine facility or other facilities (including those established on land) where said matters are kept to the extent as prescribed by Ministry of Transport Ordinances. Provided that, this shall not apply in case said oil, harmful liquid substances, wastes or other matters are discharged due to extraordinary natural calamities or geographical phenomena, or other reasons as prescribed by Ministry of Transport Ordinances.

2. With respect to collection of the expenses to be borne in accordance with the provision of the preceding paragraph, the provisions of Article 5 and Article 6 of the Law for Administrative Execution by Proxy (Law No. 43 of 1948) shall apply *mutatis mutandis*.

3. The performance of bearing the expenses under the provision of paragraph 1 may, if the Commandant of the Maritime Safety Board deems it proper, be done by payment of the materials equivalent to the chemicals or other materials consumed for said measures, instead of payment of money.

4. If, in the case of paragraph 1, there is any person responsible for the discharge of said oil, harmful liquid substances, wastes or other matters, the owner of a ship or the establisher of a facility under said paragraph shall have a right to claim from the person the expenses which are incurred in accordance with the provision of said paragraph.

5. If, in the case as provided in paragraph 1, the measures thus taken fall under the measures as provided in Article 2 item (6) b. of the Oil Damage Compensation Security Law

(Law No. 95 of 1975), the provisions of the preceding respective paragraphs shall not apply to the expenses required for the measures. Provided that, the performance of burden of the expenses required for the measures, which is the performance of liability for compensation of oil damage based on the provision of Article 3 paragraph 1 or paragraph 2 of said Law shall follow the example of the provision of paragraph 2.

(Disposal of properties for removal of serious marine pollution by specified oil) (2)(10)

Article 42. The Commandant of the Maritime Safety Board may, when the ocean is intensely polluted by specified oil in exceedingly large quantity along the coastal waters of this country and such pollution on the wide area of the coastal waters causes serious impediment to the preservation of marine environment, injures human health, affects serious damage to properties or makes business activities difficult or when there is a fear of causing these impediments, if he deems it necessary to take measures urgently for removal of discharged oil for the purpose of prevention of these impediments, dispose of, to the extent unavoidable to take measures for removal of said discharged oil, properties existing on the sea area around the scene where said discharged specified oil is afloat, as well as destruct the ship which loaded said discharged specified oil and burn up said discharged specified oil.

(Measures of hazardous matter discharged) (5)(10)

Article 42-2. If, in cases where the hazardous matter is discharged (including the emission into the atmosphere over the sea area; hereinafter the same in this Article, Article 42-5 paragraph 1, Article 42-8 and Article 42-9 paragraph 1), it is feared that marine fire of said discharged hazardous matter will occur, the persons mentioned in the following

shall, in accordance with Ministry of Transport Ordinance, immediately report to the nearest office of the Maritime Safety Board the time, date and place of the discharge of hazardous matter made, quantity of the discharged hazardous matter and conditions of its spreading, and matters concerning a ship which has loaded, or a marine hazardous matter keeping facility (meaning the structure set up on the sea area, which keeps the hazardous matter in custody; hereinafter the same) or other facilities (including those located on land) which have kept the discharged hazardous matter. Provided that, this shall not apply if the report under the provisions of Article 38 paragraphs 1 through 4 of this Law or Article 23 paragraph 1 of the Petroleum Kombinat, etc. Disaster Prevention Law (Law No. 84 of 1975) has been made:

- (1) The master of a ship which has loaded said discharged hazardous matter or manager of a facility which has kept the discharged hazardous matter in custody;
- (2) A person, other than the persons on board the ship under the preceding item and employee in the facility under said item, who has committed the act causing the discharge of said hazardous matter (if the person is a person on board the ship, the master of said ship).

2. Any person who has found the circumstances as provided in the preceding paragraph shall without delay report the effect to the nearest office of the Maritime Safety Board.

3. In the case provided in paragraph 1, the person mentioned in each item of said paragraph shall, together with taking emergent measures for preventing continuous discharge of hazardous matter and for preventing occurrence of fire of the discharged hazardous matter, immediately take measures for calling attention of the persons or ships who or which

are near the scene where the hazardous matter was discharged.

(Measures in occurrence of marine fire) (5)(10)

Article 42-3. If marine fire occurs on a ship loading hazardous matter in bulk as cargo, in a marine hazardous matter keeping facility or hazardous matter, the persons mentioned in the following shall, in accordance with Ministry of Transport Ordinance, immediately report to the nearest office of the Maritime Safety Board the time, date and place of occurrence of marine fire, circumstances of marine fire and matters concerning the ship or marine hazardous matter keeping facility where marine fire has occurred, or the ship or marine hazardous matter keeping facility or other facilities (including those on land) having loaded or having kept the hazardous matter in which said marine fire occurred. Provided that, this shall not apply if the report under the provisions of Article 38 paragraphs 1 through 4, paragraph 1 of the preceding Article of this Law, or Article 23 paragraph 1 of the Petroleum Kombinat, etc. Disaster Prevention Law has been made:

- (1) The master of a ship where said marine fire occurred, or the manager of a marine hazardous matter keeping facility where said marine fire occurred;
- (2) The master of a ship having loaded the hazardous matter in which said marine fire occurred or the manager of a facility having kept the hazardous matter in which said marine fire occurred;
- (3) A person, other than the persons on board the ship under the preceding two items and the employees of the facilities under the preceding two items, who has committed the act causing said marine fire (if the person is a person on board the ship, the master of said ship).

2. In the case as provided in the preceding paragraph,

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the persons mentioned in the respective items of said paragraph shall, together with taking emergent measures for fire extinguishing or for preventing spread of fire or for saving human life, immediately take measures for calling attention of the persons or ships who or which are near the scene of marine fire.

(Ditto) (5)

Article 42-4. Any person who has found marine fire shall immediately report the effect to the nearest office of the Maritime Safety Board.

(Restriction of act in case of emergency) (5)(10)

Article 42-5. The Commandant of the Maritime Safety Board may, when the hazardous matter is discharged and there is extremely strong fear that marine fire occurs due to the discharged hazardous matter, and then, if marine fire occurs, there is fear that it creates a conflagrative marine disaster, order the persons on the sea area liable to create marine fire to restrict or prohibit the use of fire, or the master of a ship on the sea area to retire his ship from the sea area, or order the master of a ship proceeding into the sea area to suspend the proceeding.

2. The Commandant of the Maritime Safety Board may, when marine fire occurred, order the master of a ship afloat on the sea area of the scene of said marine fire to remove his ship from the sea area or order the master of a ship proceeding into the sea area to stop the proceeding.

3. In the cases provided in the preceding two paragraphs, the Commandant of the Maritime Safety Board may order the persons in said area to withdraw from the sea area, or prohibit or restrict persons' going into or out of said sea area.

(Disposal, etc. of ship in which marine fire occurred) (5)

Article 42-6. The Commandant of the Maritime Safety Board may, if it is necessary for fire fighting or prevention of spreading fire, or for saving human life or if it is recognized unavoidable for prevention of spreading fire, use, remove or dispose of, or restrict to use a ship, marine facility or other facilities in which marine fire occurs or is to occur, or a ship, marine facility or other properties existing on the sea area, which is or are liable to suffer the spreading of fire.

(Prevention of danger to ship traffic) (5)

Article 42-7. The Commandant of the Maritime Safety Board may, if it is recognized that owing to occurrence of the obstruction to ship traffic caused by marine fire of a ship, the danger to ship traffic happens or probably happens on the surrounding sea area of the sea area where said obstruction occurred, order the owner of a ship to tug the ship to the sea area unlikely to create further marine disaster and obstruction to ship traffic due to marine fire of the ship.

(Ditto) (5)(10)

Article 42-8. The Commandant of the Maritime Safety Board may, if, in cases where owing to occurrence of the obstruction to ship traffic caused by discharge of specified oil or hazardous matter or by marine fire, the danger to ship traffic may happen or probably happen on the surrounding sea area of the sea area where said obstruction occurred, it is recognized necessary to prevent the danger to ship traffic urgently, restrict or prohibit navigation of a ship proceeding to said surrounding sea area.

(Relation to fire service organ, etc.) (5)

Article 42-9. The chief of the fire service organ (meaning the organ mentioned in each item of Article 9 of the Fire

Organization Law (Law No. 226 of 1947); hereinafter the same) may exercise the power under Article 42-5 or Article 42-6 in the cases mentioned in the following respective items:

- (1) In the case provided in Article 42-5 or Article 42-6, when said discharge or marine fire is related to a ship moored at the wharf or a facility on land (including a facility on the sea area, which is connected with land by the fixed facility so as to a person can go in or out) (excluding such cases as when the chief of the fire service organ or a fireman or volunteer fireman who is entrusted by the chief to exercise his power is not on the scene, and when the chief of the fire service organ has requested the Commandant of the Maritime Safety Board or the Commander, etc. of the Regional Maritime Safety Headquarters (meaning the Commander of the Regional Maritime Safety Headquarters entitled to conduct the matters which come under the power of the Commandant of the Maritime Safety Board in accordance with the provision of Article 53 paragraph 1, and the Chief of the Office of the Regional Maritime Safety Headquarters entitled to conduct the matters which come under the power of the Commander of the Regional Maritime Safety Headquarters in accordance with the provision of paragraph 2 of said Article; hereinafter the same) to exercise the power;
- (2) If, in the case provided in Article 42-5 or Article 42-6, the discharge of said hazardous matter or marine fire is related to a ship or facility other than the ship or facility under the preceding item, when the Commandant of the Maritime Safety Board, the Commander, etc. of the Regional Maritime Safety Headquarters, or a maritime safety officer who is entrusted by such person to exercise the power

is not on the scene, or when he is requested by the Commandant of the Maritime Safety Board or the Commander, etc. of the Regional Maritime Safety Headquarters to exercise the power.

2. In the cases mentioned in the respective items of the preceding paragraph, the Commandant of the Maritime Safety Board may not exercise the power, notwithstanding the provision of Article 42-5 or Article 42-6.

(Ditto) (5)

Article 42-10. The Commandant of the Maritime Safety Board, or the Commander, etc. of the Regional Maritime Safety Headquarters and the chief of fire service organ shall, if they have come to know the circumstances as provided in Article 42-2 paragraph 1 or the occurrence of marine fire, or if they have exercised the power under Article 42-5 or Article 42-6, they shall cooperate in carrying out the measures for prevention of occurrence and spread of marine fire, together with taking mutually close contact.

(Ditto) (5)

Article 42-11. If, in the case as provided in Article 42-5, the Commandant of the Maritime Safety Board, the Commander etc. of the Regional Maritime Safety Headquarters, or the maritime safety officer who is entrusted thereby to exercise the power, and the chief of fire service organ, a fireman or volunteer fireman who is entrusted thereby to exercise the power are not on the scene, or if the Commandant of the Maritime Safety Board, the Commander, etc. of the Regional Maritime Safety Headquarters, or the chief of fire service organ has made a request, the chief of police station may exercise the power under said Article in place of those persons. In this case, the chief of police station shall, if he has exercised the power, immediately notify the

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effect to the Commandant of the Maritime Safety Board, the Commander, etc. of the Regional Maritime Safety Headquarters, or the chief of fire service organ.

(Non-application of the Fire Service Law) (5)

Article 42-12. The provisions of Article 23-2, Article 28, and Article 29 paragraphs 1 and 2 of the Fire Service Law (Law No. 186 of 1948) shall not apply in case they are enumerated in Article 42-5 or Article 42-6 of this Law.

CHAPTER VI-II
MARINE DISASTER PREVENTION CENTER

(5)

(Object) (5)

Article 42-13. The object of the Marine Disaster Prevention Center shall, together with performing the business of practicing the measures for prevention of occurrence and expansion of marine disasters (hereinafter referred to as the "marine disaster prevention"), be to contribute to protection of life, body and property of the nation, by performing the business of retaining ships, machines, tools, and materials necessary for the measures for marine disaster prevention, and of training, etc. concerning the measures for marine disaster prevention.

(Juridical personality) (5)

Article 42-14. The Marine Disasters Prevention Center (hereinafter referred to as the "Center") shall be a juridical person.

(Number) (5)

Article 42-15. The incorporation of the Center shall be limited to only one.

(Capital) (5)

Article 42-16. The capital of the Center shall be the total sum of the amounts subscribed by the Government and the persons other than the Government.

2. The Center may, if necessary, increase the capital after obtaining the sanction of the Minister of Transport.

3. If the Center increases its capital in accordance with the provision of the preceding paragraph, the Government may make subscription to the Center within the limit of the budget.

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(Prohibition to refund, etc. of shares) (5)

Article 42-17. The Center may not refund the subscribers' shares to the subscribers.

2. The Center may neither acquire the subscribers' shares nor take them as the object of pledge.

(Transfer, etc. of shares) (5)

Article 42-18. Subscribers other than the Government may transfer their shares.

2. The transfer of the shares of subscribers other than the Government may not set up against the Center or other third persons, unless after making entry in the subscribers' ledger of the matters mentioned in respective items of Article 42-51 paragraph 2 with respect to the transferee.

(Appellation) (5)

Article 42-19. The Center shall use the characters of the Marine Disaster Prevention Center in its appellation.

2. Any person other than the Center shall not use the characters of the Marine Disaster Prevention Center in its appellation.

(Registration) (5)(10)

Article 42-20. The Center shall, in accordance with Cabinet Order, get registration.

2. The matters which are to be registered in accordance with the provision of the preceding paragraph may not be set up against the third persons unless after the registration.

(Application mutatis mutandis of the Civil Code) (5)(10)

Article 42-21. The provisions of Article 44 and Article 50 of the Civil Code shall apply mutatis mutandis to the Center.

(Promoters) (5)

Article 42-22. Seven or more person who have knowledge and experience in marine disaster prevention are required to

become promoters for incorporating the Center.

2. The promoters shall prepare the articles of incorporation and the statement of business plan, and invite subscriptions for the Center to the persons other than the Government.

3. The matters to be stated in the statement of business plan under the preceding paragraph shall be prescribed by Ministry of Transport Ordinance.

(Sanction of incorporation) (5)

Article 42-23. If the invitation of subscription under paragraph 2 of the preceding Article has ended, the promoters shall apply for the sanction of incorporation by submitting the articles of incorporation and the statement of business plan to the Minister of Transport.

(Ditto) (5)

Article 42-24. The Minister of Transport shall, if he intends to give the sanction of incorporation, do so after making inquiry as to whether or not the application for sanction under the provision of the preceding Article is in compliance with the following respective items:

- (1) That the procedures of incorporation, and the contents of the articles of incorporation and statement of business plan shall be in compliance with the provisions of laws or ordinances;
- (2) That there is no false statement in articles of incorporation or the statement of business plan;
- (3) That the plan concerning business operation with respect to the personnel, equipments, method of business, and other matters are proper, and further, it is deemed to have the accounting and technical grounding sufficient to carry out such plan accurately;
- (4) In addition to those provided in the preceding item, that

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it is deemed to soundly manage the business, and ensure to contribute to protection of life, body and property of the nation by carrying out the measures for marine disaster prevention.

(Taking over of business) (5)

Article 42-25. When the sanction for incorporation is given, the promoters shall without delay hand over the business to the person who is to become a president of the Center.

2. The person who is to become president of the Center shall, if he has taken over the business under the provision of the preceding paragraph, request the payment of subscription to the Government and subscribers other than the Government.

(Registration of incorporation) (5)

Article 42-26. The person who is to become the president of the Center shall, if the payment of subscription under the provision of paragraph 2 of the preceding Article was made, without delay get registration of incorporation in accordance with Cabinet Order.

2. The Center shall come into existence by getting registration of incorporation.

(Matters to be stated in articles of incorporation) (5)

Article 42-27. The following matters shall be stated in the articles of incorporation of the Center:

- (1) Object;
- (2) Appellation;
- (3) Location of office;
- (4) Matters concerning capital, contribution and assets;
- (5) Method of appointing officers and other matters concerning officers;
- (6) Matters concerning board of councillors;
- (7) Matters concerning business, and execution thereof;

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- (8) Matters concerning finance and accounting;
- (9) Matters concerning alteration of articles of incorporation;
- (10) Method of public notice;
- (11) Officers at the time of incorporation.

2. Any alteration to the articles of incorporation of the Center shall not become effective unless the sanction of the Minister of Transport is obtained.

(Officers) (5)

Article 42-28. The Center shall have one president, one Chairman, four directors or less, and one auditor as its officers.

2. The appointment of the officers shall not be effective unless the sanction of the Minister of Transport is obtained.

(Duties and powers of officers) (5)

Article 42-29. The president shall represent the Center and preside over the affairs thereof.

2. The chairman shall represent the Center and shall, as stipulated by the articles of incorporation, administer the affairs of the Center in assisting the president, act as a deputy if the president is absent, and perform the duties of the president if the post thereof is vacant.

3. The directors shall, as stipulated by the articles of incorporation, administer the affairs of the Center in assisting the president and chairman, act as a deputy if the president and chairman are absent, and perform the duties of the president and chairman if the posts thereof are vacant.

4. The auditor shall audit the business of the Center.

5. The auditor may, if he finds it necessary after auditing, present his opinion to the president or the Minister of Transport.

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(Prohibition of concurrent holding of offices) (5)

Article 42-30. The officer shall neither become an officer of a group aiming at profit-making, nor engage by himself in profit-making business. Provided that, this shall not apply if the approval of the Minister of Transport has been obtained.

(Restriction on representation right) (5)

Article 42-31. In respect of the matters in which the interests of the Center and those of the president or chairman conflict with each other, the president and the chairman shall have no representation right. In this case, the auditor shall represent the Center.

(Appointment of proxy) (5)

Article 42-32. The president may, from among the directors or the personnel of the Center, appoint a proxy having the authority to do all judicial or extra-judicial acts concerning a part of the business of the Center.

(Board of councillors) (5)

Article 42-33. The Center shall have the board of councillors as the organ for deliberating the budget and the business plan of each business year, and other material facts concerning operation of the Center.

2. The board of councillors shall be composed of twenty councillors or less.

3. The councillors shall, from among the persons who are learning and experience as to marine disaster prevention, be appointed by the president after obtaining the sanction of the Minister of Transport.

(Assignment of personnel) (5)

Article 42-34. The personnel of the Center shall be assigned by the president.

(Nature of officers and personnel as public servant) (5)(10)

Article 42-35. The officers and the personnel of the Center shall, so far as application of Penal Code and other penal provisions is concerned, be deemed to be the personnel engaged in public service in accordance with laws or ordinances.

(Business) (5)

Article 42-36. The Center shall perform the following business for attaining the object under Article 42-13:

- (1) To carry out the measures for removal of discharged oil according to the instruction of the Commandant of the Maritime Safety Board, and to collect the expenses required for said measures in accordance with the provision of Article 42-38;
- (2) To carry out the measures for fire extinguishing and for prevention of spreading of fire by a fire service ship, and for prevention of other marine disasters according to the request of the shipowner or other persons;
- (3) To retain oil collecting ships, machines and tools for collecting oil, oil-fenses, and other ships, machines and tools, and materials necessary for the measures of marine disaster prevention, and to provide them for the use of these shipowners;
- (4) To give the training concerning the measures for marine disaster prevention;
- (5) To conduct research and study in respect of the machines and tools, and material necessary for the measures of marine disaster prevention and the technology concerning the measures for marine disaster prevention, and to disseminate the results thereof;
- (6) To perform the business incidental to the business mentioned in the preceding respective items;
- (7) In addition to those mentioned in the preceding respective

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items, to perform the business necessary for achieving the object under Article 42-13.

2. The Center shall, if it intends to perform the business mentioned in item (7) of the preceding paragraph, obtain the sanction of the Minister of Transport.

(Instruction to the Center) (5)

Article 42-37. If, in cases where it is necessary to take urgent measures for removal of the discharged oil, it is deemed that a person who is to take measures in accordance with the provision of Article 39 paragraph 3 has not taken the measures or that there is no time to order him to take measures in accordance with the provision of said paragraph, the Commandant of the Maritime Safety Board may instruct the Center to take measures considered necessary among those measures provided in said paragraph.

(Burden of expenses required for measures by Center) (5)

(10)

Article 42-38. The Center may, if it has taken such measures as the Commandant of the Maritime Safety instructed in accordance with the provision of the preceding Article, obtain the approval of the Commandant of the Maritime Safety Board in accordance with Ministry of Transport Ordinance, and charge the expenses required for said measures to the extent as prescribed by Ministry of Transport Ordinance, to the owner of a ship having loaded the discharged specified oil pertaining to said measures or establisher of a marine facility or other facilities (including those located on land) having kept the discharged specified oil in custody. Provided that, this shall not apply in the case provided in the proviso to Article 41 paragraph 1.

2. The Center shall, if it intends to collect the burden charge under the provision of the preceding paragraph, give

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notice of the amount of burden charge, time limit of its payment, and its payment method to the person liable to pay said burden charge in accordance with Ministry of Transport Ordinance.

3. The Center shall, if the person liable to pay who has received the notice under the preceding paragraph fails to pay the burden charge under said paragraph, urge the payment by specifying the time limit.

4. The Center shall, if it urges the payment in accordance with the provision of the preceding paragraph, issue a letter of reminder to the person liable to pay. In this case, the time limit of payment specified by the letter of reminder shall be the day after the lapse of twenty days or more counting from the day on which the letter of reminder issues.

5. If the person liable to pay who has been urged in accordance with the provision of paragraph 3 fails to pay the burden charge and the arrears under the provision of paragraph 7 by the specified time limit of payment, the Center may conduct the disposition for failure to pay in the manner of the disposition against non-payment of the national taxes, after obtaining the sanction of the Commandant of the Maritime Safety Board.

6. The order of the preferential right on the collection money under the provision of the preceding paragraph shall be next to national taxes and local taxes, and prescription thereof shall follow the examples of national taxes.

7. The Center may, if it has urged the payment in accordance with the provision of paragraph 3, collect the fee in arrears for the amount computed by the number of days from the next day of the time limit of payment to the day of full payment of the burden charge or to the previous day of the day of

the attachment of properties, at the rate of 14.5 percent annually for the amount of the burden charge. Provided that, this shall not apply in such cases as prescribed by Ministry of Transport Ordinance.

8. The provisions of Article 41 paragraphs 4 and 5 shall apply mutatis mutandis in the case of paragraph 1. In this case, words "paragraph 1" appearing in paragraphs 4 and 5 of said Article shall be changed to read as "Articles 42-38 paragraph 1".

(Statement of business methods) (5)

Article 42-39. The Center shall prepare the statement of business methods before starting the business and obtain the sanction of the Minister of Transport. The same shall also apply if it intends to change it.

2. The matters to be stated in the statement of business methods under the preceding paragraph shall be prescribed by Ministry of Transport Ordinance.

(Fund) (5)

Article 42-40. The Center shall provide the fund concerning the business under Article 42-36 paragraph 1 items (1) and (2), and appropriate thereto the amount equivalent to the total of the amount which is subscribed in accordance with the provision of Article 42-16 paragraph 1 or which is subscribed in the case of the sanction under paragraph 2 of said Article given, and the amount contributed from the persons other than the Government on condition that it is appropriated to the fund required for such business.

2. The fund under the preceding paragraph shall, if there is any profit or loss in computing the profit or loss in each year, be increased or decreased according to the amount of such profit or loss in accordance with Ministry of Transport Ordinance.

(Business year) (5)

Article 42-41. The business year of the Center shall begin on April 1 every year and end on March 31 of the next year.

(Sanction of budget, etc.) (5)

Article 42-42. The Center shall, every year, prepare the budget, business plan and financial plan, and obtain a sanction of the Minister of Transport before the beginning of said business year. The same shall also apply if it intends to change them.

(Financial statements) (5)

Article 42-43. The Center shall, every business year, prepare the inventory, balance sheet, and the profit and loss statement (hereinafter referred to as the "financial statements"), and submit them to the Minister of Transport within three months after the end of said business year, and obtain his approval.

2. In submitting the financial statements to the Minister of Transport in accordance with the provision of the preceding paragraph, the Center shall attach thereto the report on settlement of accounts of said business year prepared according to the classification of budgetary items, and the statement of auditors' opinion concerning the financial statements and report on settlement of accounts.

(Sending of documents to subscribers) (5)

Article 42-44. The Center shall, if it has obtained a sanction or an approval under Article 42-42 or paragraph 1 of the preceding Article, send the documents concerning the budget, business plan and financial plan, or the financial statement relevant to said sanction or approval to the subscribers other than the Government.

(Borrowings) (5)

Article 42-45. The Center shall obtain a sanction of the Minister of Transport if it intends to borrow the fund (including re-financing the borrowings).

(Payment standards of salary and retirement allowance) (5)

Article 42-46. The Center shall, if it intends to set the payment standards of salary and retirement allowance to the officers and personnel, obtain an approval of the Minister of Transport. The same shall also apply if it intends to change them.

(Delegation to Ministry of Transport Ordinance) (5)

Article 42-47. In addition to those as provided in this Law, necessary matters concerning the finance and accounting of the Center shall be prescribed by Ministry of Transport Ordinance.

(Report and inspection) (5)

Article 42-48. The Minister of Transport may, if he considers it necessary to enforce this Law, have the Center report upon its business or have his personnel enter the office of the Center or other place of work (including the ships employed for the use of the business), and inspect business conditions or accounting books, documents or other articles.

2. The personnel who conduct a spot inspection in accordance with the provision of the preceding paragraph shall carry with them the identification cards and present the cards to the persons concerned.

3. The power of spot inspection under the provision of paragraph 1 shall not be construed to be admitted for research of a crime.

(Supervisory order, etc.) (5)

Article 42-49. The Minister of Transport may, if, in

cases where the report has been made or inspection has been conducted in accordance with the provision of paragraph 1 of the preceding Article, he deems that the business or accounting of the Center violates laws or ordinances, disposition based thereon, or articles of incorporation or statement of business methods, order the Center to the extent necessary to achieve the objective of this Law, to dismiss the officers, to change the articles of incorporation or statement of business methods, or to take other necessary action.

2. If the Center has failed to obey the order under the provision of the preceding paragraph, the Minister of Transport may dismiss its officers.

(Investigation demand) (5)(10)

Article 42-50. A person who was dissatisfied with a disposition of the Center made on the basis of this Law may make the investigation demand under the Administrative Complaint Investigation Law to the Minister of Transport.

(Subscribers' ledger) (5)

Article 42-51. The Center shall keep the share subscribers' ledger.

2. In the share subscribers' ledger, there shall be stated the following matters with respect to each subscriber:

- (1) Full name or appellation and address;
- (2) Dates of acceptance of subscription and payment of subscribed amount, or date of taking over subscribers' shares;
- (3) Subscribed amount or amount of taking over subscribers' shares (hereinafter referred to as a "subscribed amount").

3. The subscribers other than the Government may demand inspection of the share subscribers' ledger.

(Dissolution) (5)

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Article 42-52. The Center shall, if, in cases where it has been dissolved, there are any residual properties even after paying its liability, distribute them to each subscriber according to his subscribed amount.

2. The amount distributable to each subscriber shall be limited to his subscribed amount.

3. In addition to those provided in the preceding two paragraphs, the dissolution of the Center shall be prescribed otherwise by laws.

(Consultation with the Minister of Finance) (5)

Article 42-53. The Minister of Transport shall consult with the Minister of Finance in the following cases:

- (1) When he intends to give sanction under Article 42-16 paragraph 2, Article 42-36 paragraph 2, Article 42-39 paragraph 1, Article 42-42, or Article 42-45;
- (2) When he intends to give approval under Article 42-43 paragraph 1 or Article 42-46;
- (3) When he intends to prescribe the Ministry of Transport Ordinance under Article 42-47.

CHAPTER VII
MISCELLANEOUS PROVISIONS

(Control of scrapped ship, etc.) (8)

Article 43. No person shall abandon a scrapped ship, marine facility or aircraft (hereinafter referred to as the "ship, etc.") at sea. Provided that, this shall not apply in the case of the abandonment of ship, etc. (excluding those prescribed by Cabinet Order) which is made in accordance with the standards concerning the sea area and method of abandonment as prescribed by Cabinet Order or in the case of the desertion of wrecked ship, etc. which are difficult to remove.

2. In cases where the ship, etc. are abandoned in accordance with the provision of the proviso to the preceding paragraph, if they are of a size as prescribed by Cabinet Order or more (excluding wrecked ship, etc. difficult to remove), a person intending to abandon said ship, etc. at sea shall, in advance submit an application for confirmation with respect to the plan on abandonment complying with the standards of the proviso to said paragraph, and obtain the confirmation of the Commandant of the Maritime Safety Board.

3. The Commandant of the Maritime Safety Board shall, if on receiving the application under the preceding paragraph, he confirms that the plan on abandonment complies with the standards of the proviso to paragraph 1, issue a ship, etc. abandonment confirmation certificate to the applicant.

4. A person who has taken delivery of the ship, etc. abandonment confirmation certificate shall keep said ship, etc. abandonment confirmation certificate inside of the ship which engages in the abandonment of said ship, etc. or inside of other facility (when he intends to have said ship, etc.

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navigate by themselves and abandon themselves inside of said ship, etc.).

5. In addition to those provided in the preceding three paragraphs, the form of the application for confirmation, form of the ship, etc. abandonment confirmation certificate and other necessary matters concerning confirmation shall be prescribed by Ministry of Transport Ordinance.

6. The provisions of Chapter III and Chapter IV shall not apply in such cases as where the ship, etc. are deserted from the ship, marine facility, or aircraft.

(Discharged oil removal program) (5)(10)

Article 43-2. The Commandant of the Maritime Safety Board shall, for each sea area as prescribed by Ministry of Transport Ordinance such as Tokyo Bay, prepare the program for removal of the discharged oil in cases where specified oil is discharged in exceedingly large quantity (hereinafter referred to as the "discharged oil removal program").

2. The discharged oil removal program shall prescribe the following matters involved in the sea area as prescribed by Ministry of Transport Ordinance under the preceding paragraph:

- (1) Matters concerning supposition of marine pollution in such cases as where specified oil is discharged in exceedingly large quantity;
- (2) Matters concerning the target of stationing and providing an oil collecting ship, other ship, machines and tools, and materials necessary for removal of the discharged oil in the case of the preceding item;
- (3) Matters concerning contact and exchange of information with the administrative organs concerned, local public entities concerned, group of shipowners, and persons

concerned for the purpose of removal of the discharged oil in the case of item (1);

- (4) Matters concerning removal of discharged oil and prevention of dangers incidental thereto in the case of item (1).

3. The Commandant of the Maritime Safety Board shall, if he intends to prepare the discharged oil removal program in accordance with the provision of paragraph 1, hear the opinions of the chiefs of the administrative organs concerned or chiefs of the local public entities concerned. The same shall also apply if he intends to amend it.

4. The Commandant of the Maritime Safety Board shall, if he has prepared the discharged oil removal program in accordance with the provision of paragraph 1, immediately publish the gist, together with giving notice thereof to the persons provided in the preceding paragraph. The same shall also apply if he has amended it.

(Discharged oil removal council) (5)

Article 43-3. The owners of tankers shall, on each sea area as prescribed by Ministry of Transport Ordinance referred to paragraph 1 of the preceding Article, endeavor to establish a Discharged Oil Removal Council (hereinafter referred to as the "Council") to jointly perform the following matters:

- (1) Preparation of autonomous standards concerning removal of the discharged oil on said sea area;
- (2) Research and studies of technology concerning removal of the discharged oil;
- (3) Practice of education and joint training concerning removal of the discharged oil;
- (4) In addition, consultation on material facts concerning removal of the discharged oil.

2. The manager of a mooring facility capable of mooring tankers and other persons concerned may participate in the Council.

3. The Council may, with respect to the discharged oil removal program relevant to said sea area, present its opinion to the Commandant of the Maritime Safety Board.

(Chemicals for prevention of marine pollution by oil or harmful liquid substances) (10)

Article 43-4. Chemicals used for prevention of marine pollution by oil or harmful liquid substances, which are prescribed by Ministry of Transport Ordinance, shall not be used unless they conform to the technical standards prescribed by Ministry of Transport Ordinance.

2. Chemicals under the preceding paragraph shall, according to directions for use, be used adequately judging from the conditions of said marine pollution and the circumstances of said sea area.

(Container, indication loading method, etc. of harmful substances) (10)

Article 43-5. Carriage by ship of the substances as prescribed by Ministry of Transport Ordinance referred to Article 38 paragraph 1 item (4), which takes place by a method other than cargo in bulk, shall take place in accordance with the standards as prescribed by Ministry of Transport Ordinance in respect of the container, indication, method of loading, and other matters concerning method of carriage required for prevention of marine pollution by the discharge of the substances.

2. The Minister of Transport may, if it is found that the carriage of the substances under the preceding paragraph has not taken place in accordance with the standards as prescribed by Ministry of Transport Ordinance referred to said paragraph, order the owner or master of said ship to improve the method of carriage.

(Adjustment plan on waste oil treatment facility, etc.
in port) (2)(10)

Article 44. The port manager may, if, in the light of the kind and quantity, etc. of waste oil, waste harmful liquid substance, etc. and wastes (hereinafter referred to as "waste oil, etc." in this Article) generated in the port area and its surrounding area of said port, he deems it necessary to prevent marine pollution by the discharge of waste oil, etc. from a ship or marine facility in said port area and its surrounding sea area, formulate, in order that the construction or placement of a waste oil treatment facility, waste harmful liquid substance, etc. treatment facility, waste treatment facility and place for waste treatment may be secured in said port, the port plan under Article 3-3 paragraph 1 of the Port and Harbor Law (Law No. 218 of 1950) and other plans concerning adjustment of ports and harbors with respect to the construction or placement thereof.

(Surveillance, etc. of conditions of marine pollution)

Article 45. The Commandant of the Maritime Safety Board shall conduct necessary surveillance with respect to the conditions of marine pollution on costal sea area of this country.

2. The Commandant of the Maritime Safety Board shall, when he deems that there exists intense marine pollution, give notice of the conditions of such pollution to the head of the local public entity having the water front along the edge of said polluted sea area.

(Effective use, etc. or results of hydrographic and meteorological survey) (5)

Article 46. The Commandant of the Maritime Safety Board and the Director-General of the Meteorological Agency shall, together with making effective use of the results and data

produced by hydrographic survey or meteorological survey for the prevention of marine pollution and preservation of marine environment, and prevention of marine disaster, carry out the scientific research relevant to these surveys for the prevention of marine pollution and preservation of marine environment, and prevention of marine disaster.

(Cooperation of administrative organs concerned) (7)(8)

Article 47. The Minister of Transport may, if he deems it necessary to achieve the objective of this Law, ask for submission of data or information, statement of the opinions, and other necessary cooperation to the heads of the administrative organs concerned or the head of a local public entity concerned in relation to the prevention of marine pollution or preservation of marine environment.

2. The head of a local public entity concerned may, if he deems it necessary to prevent marine pollution or to preserve marine environment, state his opinion to the Minister of Transport concerning the enforcement of this Law.

3. The Minister of Agriculture, Forestry and Fisheries may, if he deems that the utility of fishing grounds has decreased conspicuously or is in danger of decreasing due to the discharge of oil, harmful liquid substance, etc. or wastes, or the incineration, request the Minister of Transport to take adequate measures for control of the discharge or incineration of oil, harmful liquid substance, etc. or wastes in said fishing grounds or the surrounding sea area thereof concerning the enforcement of this Law.

(Collection, etc. of reports) (2)(5)(8)(10)

Article 48. The Minister of Transport may, to the extent required for the enforcement of this Law, have a waste oil treatment business operator or establisher of the private

waste oil treatment facility report on his business or waste oil treatment by his waste oil treatment facility in accordance with Ministry of Transport Ordinance.

2. The Minister of Transport or the Commandant of the Maritime Safety Board may, to the extent required for the enforcement of this Law, have the owner or master of a ship, establisher or manager of a marine facility, or user of aircraft report on the discharge or incineration of oil, harmful liquid substance, etc. or wastes pertaining to said ship, marine facility or aircraft or on the operation concerning handling of oil, harmful liquid substance, etc. or waste in accordance with Ministry of Transport Ordinance.

3. The Minister of Transport or the Commandant of the Maritime Safety Board may, to the extent required for the enforcement of this Law, have the person mentioned in each item of Article 39-3 or the owner of a specific tanker report on providing of oil-fences, chemicals and other materials or on stationing of oil collecting ship or machines and tools for collecting specified oil in accordance with Ministry of Transport Ordinance.

4. The Minister of Transport may, to the extent required for the enforcement of this Law, have his personnel enter the office or other work yard of the waste oil treatment business operator or establisher of a private waste oil treatment facility and have them inspect the waste oil treatment equipments, account books and documents, and other articles.

5. The Minister of Transport or the Commandant of the Maritime Safety Board may, to the extent required for the enforcement of this Law, have his personnel enter the ship, marine facility, or the office of the owner of the ship, establisher or manager of the marine facility, and have them

inspect the marine pollution prevention equipments, etc., oil muddiness prevention rules, oil record, harmful liquid substance record book, marine pollution prevention certificate, conventional certificate, incineration equipments, and other articles.

6. The Minister of Transport or the Commandant of the Maritime Safety Board may, to the extent required for the enforcement of this Law, have his personnel enter the ship or facility mentioned in each item of Article 39-3 or the places as prescribed by Ministry of Transport Ordinance under said Article, and have them inspect oil-fences, chemicals, and other materials.

7. The personnel making spot inspection in accordance with the provisions of the preceding three paragraphs shall carry with them the identification cards and present them to the persons concerned.

8. The power of spot inspection under the provisions of paragraphs 4 through 6 shall not be construed to have been recognized for searching crimes.

(Certification of copies of oil record book, etc.) (2) (10)

Article 49. The personnel having entered a ship or marine facility, or the office of a shipowner or a manager of the marine facility may, to the extent required for the enforcement of this Law, prepare a copy of statement in the oil record book or harmful liquid substance record book, and request the master or shipowner, or the manager of the marine facility to certify that such copy is true and correct.

(Guidance, etc.) (8)

Article 49-2. The Minister of Transport or the Commandant of the Maritime Safety Board may, if he deems it necessary to achieve the objective of this Law, give necessary guidance,

advice and recommendation to the shipowner, master of a ship, or other person who engages in the discharge or incineration of oil, harmful liquid substance, etc., or wastes, or in other business having a close relation with the prevention of marine pollution or marine disaster, so as to properly manage such business in the light of the standpoint of the prevention for marine pollution or marine disaster.

(Assistance of State) (5)(10)

Article 50. The State shall endeavor to secure necessary fund and to give technical advance or other assistance for installation or retention, or improvement of the marine pollution prevention equipments, etc., waste oil treatment facility, oil collecting ship, and other equipments, facility or ship for the prevention of marine pollution or marine disaster.

(Promotion, etc. of study and research) (5)

Article 51. The State shall endeavor to promote study and research on technology of preventing the discharge of oil, harmful liquid substance, etc. and wastes from a ship and marine facility, disposing of waste oil and scrapped ship, removing the discharged oil, harmful liquid substance, etc. and hazardous matter, and protecting marine fire, and other study and research on prevention of marine pollution and marine disaster, and to disseminate the results.

(Payment of fee) (10)

Article 51-2. A person mentioned in any of the following respective items (excluding the State) shall pay a fee as prescribed by Ministry of Transport Ordinance to the State by taking into consideration of actual expense (in the case of a person who intends to obtain a confirmation of the designated confirming organization, the designated confirming organization):

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- (1) A person who intends to obtain a confirmation under Article 9-2 paragraph 4;
- (2) A person who intends to get registration under Article 11;
- (3) A person who intends to undergo a legal inspection or a survey under Article 17-19;
- (4) A person who intends to take delivery of a marine pollution prevention certificate or provisional marine pollution prevention certificate (limited to a person who intends to take delivery of these certificates pertaining to the ship to be surveyed of which the class is registered by the Ship Classification Society);
- (5) A person who intends to take delivery of an international marine pollution prevention certificate;
- (6) A person who intends to undergo the survey under Article 19-3 paragraph 1 or Article 19-4 paragraph 1;
- (7) A person who intends to get re-issuance or renewal of a marine pollution prevention certificate, provisional marine pollution prevention certificate, marine pollution prevention survey hand book, international marine pollution prevention certificate, or incineration equipment survey certificate.

2. Payment for fee under the preceding paragraph shall be made with revenue stamps, except such cases as when it is made to the designated confirming organization.

3. Revenues which have been paid to the designated confirming organization in accordance with the provision of paragraph 1 shall be considered as revenues of the designated confirming organization.

(Gross tonnage) (10)

Article 51-3. Gross tonnage in the case of the application of this Law shall, according to the classification of

ships as mentioned in the following each item, be the gross tonnage as mentioned in said each item:

- (1) Japanese ship to which an international tonnage certificate under Article 8 paragraph 1 of the Law concerning Tonnage Measurement of Ship (Law No. 40, 1980; hereinafter referred to as "Tonnage Law") or international tonnage confirmation certificate under paragraph 7 of said Article has been issued

Gross tonnage under Article 4 paragraph 1 of the Tonnage Law;

- (2) Japanese ship other than the Japanese ship specified by the preceding item (excluding ship specified by the following item)

Gross tonnage under Article 5 paragraph 1 of the Tonnage Law;

- (3) Japanese ship, other than the Japanese ship specified by item (1), which is applicable to the provision of Supplementary Provisions Article 3 paragraph 1 of the Tonnage Law

Gross tonnage under the provision of the main clause of said paragraph;

- (4) Foreign ship

Gross tonnage as prescribed by Ministry of Transport Ordinance.

(Exemption from application)

Article 52. The provisions of this Law shall not apply to marine pollution by radioactive materials and its prevention.

(Delegation of power) (8)(9)(11)

Article 53. The matters which come under the power of the Minister of Transport or the Commandant of the Maritime Safety

Board in accordance with the provisions of this Law may, in accordance with Ministry of Transport Ordinance, be performed by the Director-General of the District Transport Bureau (including the Director-General of the Maritime Administration Department) or the Commander of the Regional Maritime Safety Headquarters.

2. The Director-General of the District Transport Bureau or the Commander of the Regional Maritime Safety Headquarters may, in accordance with Ministry of Transport Ordinance, have the Maritime Branch Director of the District Transport Bureau or Maritime Administration Department, or the chief of the office of the Regional Maritime Safety Station or other Regional Maritime Safety Headquarters perform a part of the matters which were made to come under the power in accordance with the provision of the preceding paragraph.

(Transitional measures) (8)

Article 54. When the Cabinet Order is enacted, amended or repealed in accordance with the provisions of this Law, necessary transitional measures (including the transitional measures concerning penal provisions and the penal provisions concerning transitional measures) may be provided in such Cabinet Order to the extent judged to be reasonably necessary for such enactment, amendment or repeal.

CHAPTER VIII
PENAL PROVISIONS

(Penal provisions) (10)

Article 54-2. In the case of the violation of the order for suspension of business under the provision of Article 9-15, the officers or personnel of the designated confirming organization who have committed such violating act shall be punished with a penal servitude not exceeding one year or a fine not exceeding 500,000 yen.

(Ditto) (5)(8)(10)

Article 55. A person coming under any of the following respective items shall be punished with a penal servitude not exceeding six months or a fine not exceeding 500,000 yen:

- (1) A person who has discharged oil in violation of the provision of Article 4 paragraph 1;
- (2) A person who has discharged harmful liquid substances or unassessed liquid substances in violation of the provision of Article 9-2 paragraph 1 (including the case in which it applies mutatis mutandis in Article 9-6 paragraph 1);
- (3) A person who has discharged oil or wastes in violation of the provision of Article 10 paragraph 1;
- (4) A person who has taken delivery of a marine pollution prevention certificate, provisional marine pollution prevention certificate, or international marine pollution prevention certificate through fraud or other illegal act;
- (5) A person who has put the ship in service for navigation without undergoing the survey under Article 17-4 or Article 17-5.
- (6) A person who has put the ship in service for navigation

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or has had the ship engage on international voyage in violation of the provisions of Article 17-10 paragraphs 1 through 3;

- (7) A person who has discharged oil or wastes in violation of the provision of Article 18 paragraph 1;
- (8) A person who has incinerated oil, harmful liquid substance, etc., or wastes in violation of the provision of Article 19-2 paragraph 1 or paragraph 2;
- (9) A person who has performed the waste oil treatment business in violation of the provision of Article 20 paragraph 1;
- (10) A person who has violated the order under the provision of Article 24 (including the cases in which it applies mutatis mutandis in Article 28 paragraph 4 (including the case in which it applies mutatis mutandis in Article 35) or Article 34 paragraph 3) or Article 30 paragraph 3 (including the cases in which it applies mutatis mutandis in Article 35);
- (11) A person who has violated the provision of Article 39 paragraph 1;
- (12) A person who has violated the order under the provision of Article 39 paragraph 3 or Article 40;
- (13) A person who has violated the order under the provision of Article 42-7;
- (14) A person who has abandoned the scrapped ship, etc. in violation of the provision of Article 43 paragraph 1.

2. A person who has committed an offense under item (1), (2), (3) or (7) of the preceding paragraph shall be punished with imprisonment not exceeding three months or fine not exceeding 300,000 yen.

(Ditto) (5)(8)(10)

Article 56. A person coming under any of the following respective items shall be punished with a penal servitude not exceeding three months or a fine not exceeding than 300,000 yen:

- (1) A person who has discharged oil in violation of the conditions which the Commandant of the Maritime Safety Board attached or altered in accordance with the provision of Article 4 paragraph 5 (including the cases in which it applies mutatis mutandis in Article 18 paragraph 4);
- (2) A person who has violated the provision of Article 11;
- (3) A person who has violated the disposition under the provision of Article 17-14 paragraph 2 (including the cases in which it applies mutatis mutandis in Article 17-17 paragraph 2);
- (4) A person who has given the indication under Article 9 paragraph 5 of the Ship's Safety Law which applies mutatis mutandis in Article 17-15 paragraph 1 with respect to marine pollution prevention equipments other than such marine pollution prevention equipments as confirmed according to the provision of Article 6-4 paragraph 2 of said Law which applies mutatis mutandis in Article 17-15 paragraph 1;
- (5) A person who has taken delivery of the certificate under Article 9 paragraph 3 or 4 of the Ship's Safety Law which applies mutatis mutandis in Article 17-15 paragraph 1 through fraud or other illegal act;
- (6) A person who has employed the incineration system for incineration of wastes requiring incineration confirmation without undergoing the survey under the provision of Article 19-4 paragraph 1;
- (7) A person who has employed the incineration system for incineration of wastes requiring incineration confirmation

in violation of the provision of Article 19-7 paragraph 1 or paragraph 2;

- (8) A person who has failed to make notification under the provision of Article 20 paragraph 2, Article 28 paragraph 3 (including the cases in which it applies mutatis mutandis in Article 35), or Article 34 paragraph 1, or who has made false notification;
- (9) A person who has altered the matters under Article 21 paragraph 1 item (2) in violation of the provision under Article 28 paragraph 1.
(Ditto) (2)(5)(8)(10)

Article 57. A person coming under any of the following respective items shall be punished with a fine not exceeding 300,000 yen:

- (1) A person who has violated the provision of Article 5-3 paragraph 1;
- (2) A person who has violated the provision of Article 6 paragraph 1, Article 7 paragraph 1, Article 9-4 paragraph 1 or 2, Article 27, or Article 39-3;
- (3) A person who has violated the provision of Article 9-2 paragraph 4;
- (4) A person who has violated the provision of Article 10 paragraph 3, Article 19-2 paragraph 3, or Article 43 paragraph 2;
- (5) A person who has violated the order under the provision of Article 17-14 paragraph 1 or Article 17-17 paragraph 1;
- (6) A person who has violated the order under the provision of Article 33 paragraph 1;
- (7) A person who has failed to make report under the provision of Article 38 paragraph 1 through paragraph 4, Article 42-2 paragraph 1, or Article 42-3 paragraph 1, or who has made

false report;

- (8) A person who has violated the order under the provision of Article 39-2, or who has committed an act to be of violation of the disposition;
- (9) A person who has violated the provision of Article 39-4 paragraph 1;
- (10) A person who has violated the order or disposition under the provision of Article 42-5 paragraph 1 or paragraph 3, or who has violated the order under the provision of paragraph 2 of said Article;
- (11) A person who has committed an act to be of violation of the disposition under the provision of Article 42-8;
- (12) A person who has used chemicals in violation of the provision of Article 43-4 paragraph 1.

(Ditto) (2)(5)(8)(10)

Article 58. A person who has come under any of the following respective items shall be punished with a fine not exceeding than 200,000 yen:

- (1) A person who has violated the provision of Article 5-3 paragraph 2 or Article 5-4;
- (2) A person who has violated the provision of Article 8 paragraph 1 or 3, Article 9-5 paragraph 1 or 3, Article 16 paragraph 1 or 3, Article 19 paragraph 1 or 3, or Article 19-9 paragraph 1 or 3;
- (3) A person who has failed to make entry of the matters to be entered in the oil record book, harmful substance record book, wastes treatment record book, or incineration record book in accordance with the provision of Article 8 paragraph 2, Article 9-5 paragraph 2, Article 16 paragraph 2, Article 19 paragraph 2, or Article 19-9 paragraph 2, or who has made false entry;

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- (4) A person who has violated the provision of Article 10 paragraph 5, Article 19-2 paragraph 5, or Article 43 paragraph 4;
- (5) A person who has employed the registered ship under Article 11 in violation of the provision of Article 13 paragraph 2 for such discharge of wastes as to be made in accordance with the provision of Article 10 paragraph 2 item (2) or (3);
- (6) A person who has failed to make notification under the provision of Article 14 or the provision of Article 25, Article 31 paragraph 2 or Article 32 (including the cases in which such provisions are applied mutatis mutandis in Article 35), or who has made false notification;
- (7) A person who put said ship in service for navigation in violation of Article 17-11;
- (8) A person who has refused, obstructed, or evaded the inspection under the provision of Article 12 paragraph 1 of the Ship' Safety Law which applies mutatis mutandis in Article 17-15 paragraph 2, or who has failed to answer the question or has made false statement;
- (9) A person who has failed to make notification under the provision of Article 12 paragraph 2 of the Ship' Safety Law which applies mutatis mutandis in Article 17-15 paragraph 2, or who has made false notification;
- (10) A person who has employed the incineration system installed in said ship or marine facility for the incineration of wastes requiring incineration confirmation in violation of the provision of Article 19-8;
- (11) A person who has treated waste oil without obtaining the sanction under the provision of Article 26 paragraph 1 or without abiding by the sanctioned waste oil treatment

- rules, or who has treated waste oil without making notification under the provision of paragraph 2 of said Article or without abiding the notified waste oil treatment rules;
- (12) A person who has violated the order under the provision of Article 43-5 paragraph 2;
 - (13) A person who has failed to make report under the provisions of Article 48 paragraph 1 through paragraph 3, or who has made false report;
 - (14) A person who has refused, obstructed, or evaded the inspection under the provisions of Article 48 paragraph 4 through paragraph 6;
 - (15) A person who has refused or evaded the certification under the provision of Article 49;
 - (16) A person who has made false report that he found the fact as provided in Article 38 paragraph 6, circumstances as provided in Article 42-2 paragraph 1, or marine fire.
(Ditto) (10)

Article 58-2. If the officers or personnel of the designated confirming organization who have committed any violating act shall, if it comes under any of the following respective items, be liable to a fine not exceeding 200,000 yen;

- (1) When they have discontinued the whole of confirming business without obtaining the permission under the provision of Article 9-12;
- (2) When they have failed to make report under the provision of Article 9-14 paragraph 1, or have made false report.

2. A person who has refused, obstructed, or evaded the survey under the provision of Article 9-14 paragraph 1 shall be punished with a fine not exceeding 200,000 yen.

(Ditto) (10)

Article 58-3. If the officers or personnel of the Center

have failed to make report under the provision of Article 42-48 paragraph 1 or have made false report, those who have committed such violating act shall be punished with a fine not exceeding 200,000 yen.

2. A person who has refused, obstructed or evaded the inspection under the provision of Article 42-48 paragraph 1 shall be punished with a fine not exceeding 200,000 yen.

(Ditto) (5)

Article 59. If the representative of a juridical person, or an agent, employee or other worker of a juridical or natural person has committed any violating act under Article 55 through Article 58 in regard to the business of such juridical or natural person, not only the actual violator shall be punished, but also the juridical or natural person shall be liable to a fine specified by the relevant Article.

(Ditto) (10)

Article 60. A person who has failed to make notification under Article 9-6 paragraph 2, Article 17, Article 18-2, or Article 28 paragraph 5 or Article 29 (including the cases in which these provisions apply *mutatis mutandis* in Article 35) or who has made false report shall be liable to a non-penal fine not exceeding 100,000 yen.

(Ditto) (5)(10)

Article 61. If the officers of the Center who have committed any violating act shall, if it comes under any of the following respective items, be liable to a non-penal fine not exceeding 100,000 yen:

- (1) When he has failed to obtain the sanction or approval which is to be obtained from the Minister of Transport or Commandant of the Maritime Safety Board in accordance with the provision of Article 6-2;

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- (2) When he has neglected to get registration in violation of Cabinet Order under the provision of Article 42-20 paragraph 1;
- (3) When he has carried out a business other than the business as provided in Article 42-36 paragraph 1.
(Ditto) (5)(10)

Article 62. A person who has violated the provision of Article 42-19 paragraph 2 shall be liable to a non-penal fine not exceeding 50,000 yen.

(Ditto) (10)

Article 63. The provisions of this Chapter shall apply to every person who has committed any offense mentioned in the following on board a foreign ship engaging in digging of mineral resources on or under the sea bed (hereinafter referred to as "digging of sea bed mineral resources" in this Article) of the high seas over which our country has jurisdiction concerning exploration and digging of mineral resources, or in the marine facility established for digging of mineral resources:

- (1) Offenses mentioned in Article 55 paragraph 1 item (1), (3), (7), (11) (limited to parts relating to a person mentioned in Article 39 paragraph 1 item (1)) and (12) (limited to part relating to Article 39 paragraph 3 (limited to parts relating to a person mentioned in paragraph 2 items (1) and (2) of said Article)), and Article 55 paragraph 2 (excluding part relating to paragraph 1 item (2) of said Article);
- (2) Offenses mentioned in Article 57 item (7) (limited to parts relating to Article 38 paragraphs 1 through 3) and item (12);
- (3) Offenses mentioned in Article 58 items (2) and (3)

(limited to parts relating to Article 8 and Article 19),
item (12) (limited to part relating to Article 48 para-
graph 2), and item (13) (limited to part relating to
Article 48 paragraph 5).

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SUPPLEMENTARY PROVISIONS:

(Enforcement date, etc.)

Article 1. This Law shall come into force as from the day prescribed by Cabinet Order within the limit of not exceeding six months counting from the day of its promulgation (enforced as from June 24, 1971 by Cabinet Order No. 200 of 1971). Provided that, the provisions of Article 4, Article 5 and Article 8 shall come into force as from the day whichever the earlier either of the day elapsing one year and six months counting from the day of its promulgation or the day on which, based on the provision of Article XVI of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, the amendments to said Convention adopted on October 21, 1969 by the Governmental Maritime Consultation Organization will become effective to Japan (hereinafter referred to as the "effective day of amendments to Convention"), and the provisions of Chapter III and Chapter IV shall come into force as from the day elapsing one year and six months counting from the day of its promulgation.

2. The registration of Article 11 may be made even before enforcement of the provision of said Article.

(Abolition of Law concerning Prevention of Pollution of Sea by Oil of Ship)

Article 2. The Law concerning Prevention of Pollution of Sea by Oil of Ship (Law No. 127 of 1967; hereinafter referred to as the "Old Sea Water Oil Pollution Prevention Law") shall hereby be abolished.

SUPPLEMENTARY PROVISIONS (Law No. 137, Dec. 25, 1970): (1)
(Enforcement date)

Article 1. This Law shall come into force as from the day prescribed by Cabinet Order within the limit of not exceeding nine months counting from the day of its promulgation (enforced as from September 24, 1971 by Cabinet Order No. 218 of 1971).

SUPPLEMENTARY PROVISIONS (Law No. 54, Jul. 17, 1973): (2)
(Enforcement date, etc.)

Article 1. This Law shall come into force as from the day of its promulgation.

SUPPLEMENTARY PROVISIONS (Law No. 84, Sep. 20, 1973): (3)
(Enforcement date)

1. This Law shall come into force as from the day prescribed by Cabinet Order within the limit of not exceeding six months counting from the day of its promulgation (enforced as from March 19, 1974 by Cabinet Order No. 55 of 1974).

SUPPLEMENTARY PROVISIONS (Law No. 95, Dec. 27, 1975): (4)
(Enforcement date)

Article 1. This Law shall come into force as from the day when the Liability Convention becomes effective to Japan (September 1, 1976).

SUPPLEMENTARY PROVISIONS (Law No. 47, Jun. 1, 1976): (5)
(Enforcement date)

Article 1. This Law shall come into force as from the day prescribed by Cabinet Order within the limit of not exceeding six months counting from the day of its promulgation

(enforced as from September 1, 1976 by Cabinet Order No. 217 of 1976). Provided that, the amending provision adding one article before Article 40, the amending provision to Article 48 paragraph 3 (excluding a part amending "Article 39-2" to "Article 39-3") and the amending provision adding four items to Article 57 (limiting a part pertaining to item (6) of said Article) shall come into force as from the day prescribed by Cabinet Order within the limit of not exceeding three years counting from the day of its promulgation (enforced as from May 21, 1979 by Cabinet Order No. 8 of 1979).

SUPPLEMENTARY PROVISIONS (Law No. 68, Jun. 16, 1976): (6)
(Enforcement date)

Article 1. This Law shall come into force as from the day prescribed by Cabinet Order within the limit not exceeding nine months counting from the day of its promulgation (enforced as from March 15, 1977 by Cabinet Order No. 24 of 1977).

SUPPLEMENTARY PROVISIONS (Law No. 87, Jul. 5, 1978): (7)
(Enforcement date)

Article 1. This Law shall come into force as from the day of its promulgation.

SUPPLEMENTARY PROVISIONS (Law No. 41, May 7, 1980): (8)
(Enforcement date)

Article 1. This Law shall come into force as from the day on which the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other matters enters into force for Japan (Nov. 14, 1980). Provided that, the amending provisions to Article 4 paragraph 2 and Article 9 paragraph 1

and the provision of next Article shall come into force as from the day prescribed by Cabinet Order within the limit not exceeding three months counting from the day of its promulgation (enforced as from August 6, 1980 by Cabinet Order No. 198 of 1980).

SUPPLEMENTARY PROVISIONS (Law No. 85, Nov. 19, 1980): (9)
(Enforcement date)

Article 1. This Law shall come into force as from April 1, 1981.

SUPPLEMENTARY PROVISIONS (Law No. 58, May 26, 1983): (10)
(Enforcement date)

Article 1. The provisions of this Law shall, according to the classification mentioned in the following respective items, come into force as from the day prescribed in said respective items:

- (1) In Article 1, the amending provision to add one chapter next to Chapter III of the Law concerning Prevention of Marine Pollution and Marine Disasters (limited to part relating to Article 17-12 paragraphs 1 and 3, and Article 17-15); in Article 56 of said Law, amending provisions to make item (4), item (3), item (2) and item (1) be item (9), item (8), item (7) and item (2) respectively and to add item (4) next to item (2) (limited to part relating to items (4) and (5) of said Law); in Article 58, the amending provisions to make item (11) and item (12) be item (15) and item (14), to move down by four items from item (6) through item (9), to make item (5) be item (6) and to add three items next to item (6) (limited to part relating items (8) and (9) of said Article), and

the provisions of next Article, the Supplementary Provisions Article 13 and the Supplementary Provisions Article 14

The day prescribed by Cabinet Order within the limit not exceeding three months counting from the day of its promulgation (enforced as from August 25, 1983 by Cabinet Order No. 182 of 1983);

- (2) The provision of Article 1 (excluding the provision prescribed in the preceding item and the provisions of Article 3 through Article 6

The date on which the text and Annex I of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as "the Convention" will enter into force in accordance with the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973. (The date of entry into force - November 2, 1983)

SUPPLEMENTARY PROVISIONS (Law No. 25, May 8, 1984): (11)
(Enforcement date)

Article 1. This Law shall come into force as from July 1, 1984.

