

Act on Promoting the Treatment of Marine Debris Affecting the Conservation of Good Coastal Landscapes and Environments to Protect Natural Beauty and Variety

(Act No. 82 of July 15, 2009)

Chapter I General Provisions (Articles 1 through 12)

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Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 In light of the current situation whereby marine debris have a serious impact on the conservation of good coastal landscapes and environments, the purpose of this Act is to provide basic principles for measures required for the smooth treatment of marine debris and control of its generation (hereinafter referred to as "measures against articles that drift ashore") and to clarify the responsibilities of the national and local governments, business entities and the people of Japan, while setting out the basic policy established by the national government and other necessary matters for promoting measures against articles that drift ashore, thereby comprehensively and effectively promoting measures against articles that drift ashore to contribute to ensuring the lives of the people of Japan of both the present and future generations are healthy and cultured.

(Definitions)

- Article 2 (1) The term "articles that drift ashore" as used in this Act means waste and other dirty items or discarded articles that drift ashore.
- (2) The term "marine debris" as used in this Act means articles that drift ashore, waste and other dirty items or discarded articles scattered along the coast.
- (3) The term "coast manager, etc." as used in this Act means a coast manager as defined in Article 2, paragraph (3) of the Coast Act (Act No. 101 of 1956) and a

person who manages a facility based on the provisions of other laws and regulations, who manages, based on such a person's authority or the provisions of other laws and regulations, coastal land which is owned by the national or local governments and is provided for public use.

(Conservation and Restoration of Overall Coastal Environment)

Article 3 Measures against articles that drift ashore must be taken to the effect that they contribute to conservation and restoration of the overall coastal environment, giving consideration to the conservation of good landscapes as represented by beaches with white sand and green pines and securing biological diversity in reefs, tidelands, etc.

(Clarification of Responsibilities and Promotion of Smooth Treatment)

Article 4 Measures against articles that drift ashore must be taken to the effect that they clarify the responsibilities of coast managers and other parties involved in the treatment of marine debris, while promoting smooth treatment appropriate to the various characteristics and forms of marine debris.

(Effective Control of Marine Debris Generation)

Article 5 In light of the fact that articles that drift ashore drift onto coasts via waterways that flow from the mountains to rivers and the sea, and that generation of the same reflects, in part, the public awareness of environmental conservation in Japan, measures against articles that drift ashore must give sufficient weight to effective control of the generation of articles that drift ashore with the recognition that this is a common issue not only for coastal areas, but also for all regions.

(Conservation of Marine Environment)

Article 6 Measures against articles that drift ashore must be carried out in consideration of the fact that as a country surrounded by the sea, Japan's conservation of a good marine environment is essential for the rich and affluent life of the people.

(Securing the Appropriate Division of Roles and Coordination among Various Parties)

Article 7 Measures against articles that drift ashore must be taken so that active efforts by the people for the appropriate treatment of marine debris and control of its generation (hereinafter referred to as treatment, etc. of marine debris) are promoted, while raising public awareness of the Treatment, etc. of marine debris, pursuant to an appropriate division of roles among the national and local governments, business entities, the people and private organizations

and with mutual coordination among such various parties.

(Promotion of International Cooperation)

Article 8 In implementing measures against articles that drift ashore, to allow the adoption of appropriate diplomatic efforts by the national government, considering that some articles drift ashore from surrounding countries onto the coast of Japan and others drift ashore from Japan onto the coasts of surrounding countries, and based on the recognition that such problems are common issues for both Japan and its surrounding countries, sufficient attention must be paid to the promotion of international cooperation for the resolution of the relevant problems concerning articles that drift ashore.

(Responsibilities of the National Government)

Article 9 The national government is, in accordance with the basic principles for measures against articles that drift ashore stated in Articles 3 through 8 (simply referred to as basic principles in the following Article and Article 13, paragraph (1)), responsible for formulating and implementing comprehensive policies for measures against articles that drift ashore.

(Responsibilities of Local Governments)

Article 10 Local governments are, in accordance with the basic principles, responsible for formulating and implementing policies for measures against articles that drift ashore that are suitable for the natural and social conditions of their region.

(Responsibilities of Business Entities and the People)

Article 11 (1) Business entities must endeavor to avoid generating marine debris in their business activities and to cooperate in measures against articles that drift ashore taken by the national and local governments.

(2) The people of Japan must endeavor to deepen their interest in and understanding of the importance of measures against articles that drift ashore and to cooperate in measures against articles that drift ashore taken by the national and local governments.

(3) Business entities and the people of Japan must, by appropriately managing or disposing of their possessions or by appropriately maintaining and managing land under their possession or management, endeavor to reduce the generation of marine debris.

(Enhancement of Coordination)

Article 12 In light of the fact that measures against articles that drift ashore are soundly promoted when the national and local governments, business entities,

the people and private organizations coordinate and cooperate with each other, not only in coastal areas but also in all regions, the national government is to formulate policies required for enhanced coordination among the relevant parties.

Chapter II Basic Policy

- Article 13 (1) The national government must in accordance with the basic principles, establish the basic policy for promoting measures against articles that drift ashore both comprehensively and effectively (hereinafter referred to as the basic policy in this Article and paragraph (1) of the following Article).
- (2) The following matters are to be provided for in the basic policy:
- (i) the basic objective in promoting measures against articles that drift ashore;
 - (ii) basic matters concerning the preparation of regional plans under paragraph (1) of the following Article;
 - (iii) basic matters concerning councils under Article 15, paragraph (1) ; and
 - (iv) matters to be considered upon the implementation of measures against articles that drift ashore and other matters required for the promotion of measures against articles that drift ashore..
- (3) The Minister of the Environment must prepare a draft of the basic policy after prior consultation with the Minister of Agriculture, Forestry and Fisheries and the Minister of Land, Infrastructure, Transportation and Tourism, and seek a Cabinet decision.
- (4) The Minister of the Environment must hear in advance the general public opinion when preparing a draft of the basic policy.
- (5) When the Cabinet decision is made as described in paragraph (3), the Minister of the Environment must publish the basic policy without delay.
- (6) The provisions of preceding three paragraphs apply mutatis mutandis to any revision of the basic policy.

Chapter III Regional Plans

(Regional Plans)

- Article 14 (1) If a prefecture finds it necessary for the comprehensive and effective promotion of measures against articles that drift ashore, it is to prepare, based on the basic policy, either independently or with other prefectures, a plan for promoting measures against articles that drift ashore (hereinafter referred to as a regional plan in this Article and paragraph (2), item (i) of the following Article).
- (2) The following matters are to be provided for in regional plans:
- (i) the areas where measures against articles that drift ashore are to be

- specifically promoted and particulars thereof;
- (ii) matters concerning division of roles and mutual cooperation among relevant parties; and
 - (iii) matters to be considered upon the implementation of measures against articles that drift ashore and other matters required for the promotion of measures against articles that drift ashore.
- (3) If a prefecture intends to prepare its regional plan, it is to take necessary measures to reflect the opinions of residents and other interested parties in advance.
- (4) If a prefecture intends to prepare its regional plan it must hear the opinions of relevant local governments and coast managers, etc. in advance.
- (5) If a prefecture intends to prepare its regional plan, and a council is organized as described in paragraph (1) of the following Article, a prefecture must, submit matters to be specified in the regional plan to the council for consultation.
- (6) When a prefecture has prepared its regional plan, it must publish the same without delay.
- (7) The provisions of paragraphs (3) through (6) apply mutatis mutandis to any revision of the regional plan.

(Council for Promotion of Measures against Articles that Drift Ashore)

Article 15 (1) To carry out the following administrative works, a prefecture may, either independently or with other prefectures, organize a council for the promotion of measures against articles that drift ashore consisting of prefectures, residents, private organizations and relevant administrative agencies and local governments (hereinafter referred to as "council" in this Article).

- (2) The council is to undertake the following administrative works:
- (i) to discuss the preparation or revision of a prefecture's regional plan; and
 - (ii) to communicate and make arrangements concerning the promotion of measures against articles that drift ashore.
- (3) Beyond what is provided for in the preceding two articles, matters necessary for the organization and operation of the council are to be determined by the council.

(Promoters of Measures against Articles that Drift Ashore)

Article 16 (1) A prefectural governor may commission any person who is committed to and has insight into activities supporting the promotion of measures against articles that drift ashore as a promoter of measures against articles that drift ashore.

- (2) A prefectural governor may designate a private organization that engages in

activities supporting the promotion of measures against articles that drift ashore as a promoting organization of measures against articles that drift ashore.

- (3) Promoters and promoting organizations of measures against articles that drift ashore are to conduct the following activities:
- (i) to develop a deeper understanding of the importance of measures against articles that drift ashore among residents;
 - (ii) upon request from any resident or private organization, to provide them with advice required for the treatment, etc. of marine debris;
 - (iii) to provide any resident or private organization that engages in activities supporting the promotion of measures against articles that drift ashore with information and other cooperative support concerning such activities; and
 - (iv) to cooperate in measures against articles that drift ashore implemented by the national government or local governments.

Chapter IV Promotion of Measures against Articles that Drift Ashore **Section 1 Smooth Treatment of Marine Debris**

(Responsibility for Treatment)

Article 17 (1) Coast managers, etc. must take measures required for the treatment of marine debris in maintaining the cleanliness of coastal land under their management.

(2) Any possessor of coastal land who is not coast manager, etc. (if there is no possessor, a manager; the same applies hereinafter in this Article) must endeavor to maintain the cleanliness of coastal land under possession or management.

(3) Municipalities must cooperate as necessary in the treatment of marine debris with coast managers, etc. or the possessors of coastal land stipulated in the preceding Paragraph.

(4) Prefectures may provide coast managers, etc. or possessors of coastal land as stipulated in paragraph (2) with technical advice and other support required in promoting their smooth treatment of marine debris.

(Request by Municipality)

Article 18 A municipality may request, when it finds that marine debris on coastal land under the management of any coast manager, etc. is causing problems to the life of residents or economic activities, that the coast manager, etc. take measures required for the treatment of the marine debris.

(Request for Cooperation)

Article 19 (1) When a prefectural governor finds it evident that most articles

that drift ashore flow in from a region in another prefecture, the prefectural governor may, pursuant to a request from coast managers, etc., or upon hearing their opinion, request that the governor of such other prefecture cooperate in the treatment of the articles that drift ashore or other necessary matters.

(2) The Minister of the Environment may, if it is found necessary to ensure smooth cooperation between prefectures as provided for in the preceding paragraph, conduct mediation concerning the relevant cooperation.

Article 20 A prefectural governor may, if it is found that articles that drift ashore are likely to threaten to cause substantial problems in conservation of the region's environment and if the governor finds it specifically necessary, request that the Minister of the Environment and the heads of other relevant administrative agencies cooperate in the treatment of the articles that drift ashore.

(Appropriate Diplomatic Efforts)

Article 21 When the Minister of Foreign Affairs finds that articles that drift ashore from abroad are causing problems in the conservation of any region's environment, the Minister is to take appropriate diplomatic steps as necessary, in collaboration with relevant administrative agencies.

Section 2 Control of Marine Debris Generation

(Investigation of Actual Circumstances and Causes of Generation)

Article 22 The national and local governments must endeavor to conduct periodic investigations into the circumstances and causes of marine debris in order to promote effective policies required for the control of marine debris generation.

(Prevention of Waste Dumping)

Article 23 The national and local governments must, in combination with regulations based on the provisions of the Act on Waste Disposal and Public Cleansing (Act No. 137 of 1970) and other laws and regulations, endeavor to take necessary measures to prevent the illegal dumping of waste and other dirty items or discarded articles in forests, agricultural land, urban areas, rivers, coasts, etc.

(Advice on and Instructions for Appropriate Land Management)

Article 24 (1) The national and local governments must endeavor to give necessary advice and instructions to enable possessors or managers of land to

appropriately manage land under their possession or management so that no articles that may become or produce articles that drift ashore flow into or become scattered in rivers or other public waterways or ocean areas from the land.

- (2) A possessor or manager of land must endeavor to make necessary requests to any person who operates temporary business activities or any other activities on the relevant land so that no articles that may become or produce articles that drift ashore flow into or become scattered in rivers or other public waterways or ocean areas in association with the business activities.

Section 3 Other Policies for Promotion of Treatment of Marine Debris

(Ensuring Close Coordination with Private Organizations)

Article 25 (1) The national and local governments are to endeavor, in consideration of the importance of the role played by private organizations that engage in activities for the treatment, etc. of marine debris, to ensure close coordination with such private organizations and support their activities.

- (2) The national and local governments are to endeavor, when providing support as described in the preceding paragraph, to pay attention to ensuring the safety of activities undertaken by private organizations, etc., as stipulated in the relevant paragraph.

(Promotion of Environmental Education on Marine Debris Issues)

Article 26 The national and local governments must endeavor to implement policies required for the promotion of environmental education on marine debris issues pursuant to the purpose of the provisions of Article 9, paragraph (1) of the Act on the Promotion of Environmental Conservation Activities through Environmental Education (Act No. 130 of 2003).

(Promotion of Public Awareness Concerning Treatment of Marine Debris)

Article 27 The national and local governments must endeavor to promote public awareness concerning the treatment, etc. of marine debris through public relations activities, etc.

(Promotion of Technical Development, Research and Study)

Article 28 To effectively promote measures against articles that drift ashore, the national government must endeavor to promote technical development, research and study, etc. concerning the efficient treatment, recycling, investigation of generation causes, etc. of marine debris and to disseminate the results thereof.

(Financial Measures)

Article 29 (1) The national government must take financial measures required for the promotion of measures against articles that drift ashore.

(2) When taking financial measures as described in the preceding Paragraph, the national government is to give special consideration to expenses incurred by a local government for the treatment of articles that drift ashore on remote islands and in other regions where large quantities of articles that drift ashore flow in from abroad or areas of other local government.

(3) The national government is to endeavor, in consideration of the importance of the role played by private organizations, etc. in promoting measures against articles that drift ashore, to give financial support to promote their activities.

(Conference for Promotion of Measures against Articles that Drift Ashore)

Article 30 (1) The national government is to establish a conference for promotion of measures against articles that drift ashore consisting of officials from the Ministry of the Environment, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Land, Infrastructure, Transportation and Tourism and other relevant administrative agencies, and is to communicate with and coordinate the relevant agencies to support the comprehensive, effective and efficient promotion of measures against articles that drift ashore.

(2) An expert conference for measures against articles that drift ashore consisting of persons with specialized knowledge of measures against articles that drift ashore is to be established within the conference for promotion of measures against articles that drift ashore.

(3) The expert conference for measures against articles that drift ashore is to offer opinions concerning the promotion of measures against articles that drift ashore to the conference for promotion of measures against articles that drift ashore.

(Preparation for Legislation)

Article 31 The national government must promptly streamline the legislation required for the implementation of financial measures and other comprehensive support measures to promote measures against articles that drift ashore.

Supplementary Provisions

(Effective Date)

(1) This Act comes into effect as of the day of its promulgation.

(Review)

(2) When 3 years have passed from the enactment of this Act, the national government is to review the provisions of this Act and take necessary measures based on the results thereof if it deems it necessary upon consideration of the status of marine debris or other circumstances surrounding the implementation of this Act.

Supplementary Provisions [Act No. 67 of June 15, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of October 1, 2011.