

Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities (Tentative translation)

(Act No. 89 of December 7, 2018)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is, given the importance of implementing marine renewable energy power generation projects in a long-term, stable and efficient manner, and in harmony with the measures with regard to the oceans prescribed in the Basic Act on Ocean Policy (Act No. 33 of 2007), to take measures to formulate a basic policy, designate the promotion zones for the development of marine renewable energy power generation facilities, and otherwise create a system for certification of plans for occupation, etc., of sea areas within the promotion zones for the development of marine renewable energy power generation facilities, for the purpose of promoting utilization of sea areas for the development of marine renewable energy power generation facilities, thereby contributing to the sound development of the economy and society of our State, as well as to the stabilization and improvement of the lives of the citizens.

(Definitions)

Article 2 (1) As used in this Act, "marine renewable energy electricity" means the electricity obtained by converting marine renewable energy sources using

marine renewable energy power generation facilities.

- (2) As used in this Act, "marine renewable energy power generation facilities" mean the facilities to convert marine renewable energy sources to electricity in the sea areas and their attached facilities that have mooring facilities to moor vessels installed.
- (3) As used in this Act, "marine renewable energy sources" mean offshore wind power and other energy sources that are prescribed by Cabinet Order as usable as energy sources of electricity in the sea areas, among the renewable energy sources provided for in Article 2, paragraph (4) of the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities (Act No. 108 of 2011; hereinafter referred to as the "Renewable Energy Electricity Special Measures Act").
- (4) As used in this Act, "marine renewable energy power generation project" means the business project of supplying marine renewable energy electricity generated by using the marine renewable energy power generation facilities the generator maintains and operates to electricity utilities (which means the general electricity transmission and distribution utilities provided for in Article 2, paragraph (1), item (ix) of the Electricity Business Act (Act No. 170 of 1964) and the specified electricity transmission and distribution utilities provided for in item (xiii) of said paragraph; hereinafter the same applies in Article 8, paragraph (1), item (iv)).
- (5) As used in this Act, "promotion zones for the development of marine renewable energy power generation facilities" means the territorial and inland waters of our State that are designated pursuant to the provisions of Article 8, paragraph (1).

(Basic Principles)

Article 3 The sea areas for the development of marine renewable energy power generation facilities must be utilized under close collaboration among the State, the relevant local governments, the persons implementing the marine renewable energy power generation project, and other related parties, with a view to realizing the sustainable development and use of the oceans, while conserving the marine environment, ensuring the security of the oceans, and otherwise maintaining a balance with measures on the oceans.

(Responsibilities of the State)

Article 4 (1) The State shall have responsibilities for formulating comprehensively and implementing measures to promote the utilization of sea areas for the development of marine renewable energy power generation facilities, based on the basic principles provided for in the immediately preceding Article (hereinafter referred to as the "basic principles").

- (2) The State must endeavor to collect and provide information required for the utilization of sea areas for the development of marine renewable energy power generation facilities for and to the persons implementing the marine renewable energy power generation project, and provide those persons with other support.
- (3) The State must endeavor to deepen understanding of citizens in promoting the utilization of sea areas for the development of marine renewable energy power generation facilities through education, public relations and other activities.

(Responsibilities of the Relevant Local Governments)

Article 5 The relevant local governments must, based on the basic principles, endeavor to provide cooperation on the measures of the State provided for in the immediately preceding Article and encourage measures for promoting the utilization of sea areas for the development of marine renewable energy power generation facilities.

(Responsibilities of Persons Carrying Out the Marine Renewable Energy Power Generation Project)

Article 6 In conducting business activities, the persons carrying out the marine renewable energy power generation project must, based on the basic principles, give consideration to harmonization with fisheries and other diversified development and utilization of the oceans, and conservation of the marine environment, as well as with the ensuring of the safety of the oceans, and endeavor to cooperate in the measures for promoting the utilization of sea areas for the development of marine renewable energy power generation facilities by the State and the relevant local governments.

Chapter II Basic Policy

Article 7 (1) The government must establish its basic policy to comprehensively and systematically encourage measures for promoting the utilization of sea areas for the development of marine renewable energy power generation facilities (hereinafter the "basic policy") based on the basic principles.

(2) The following matters shall be provided for in the basic policy:

- (i) matters concerning the meaning of, and goals for, promoting the utilization of sea areas for the development of marine renewable energy power generation facilities;
- (ii) basic matters concerning measures for promoting the utilization of sea areas for the development of marine renewable energy power generation facilities;
- (iii) basic matters concerning the designation of the promotion zones for the

- development of marine renewable energy power generation facilities;
- (iv) basic matters concerning harmonization between the marine renewable energy power generation project in the promotion zone for the development of marine renewable energy power generation facilities, and the fisheries and other diversified development and utilization of the oceans, and conservation of the marine environment, as well as with the ensuring of the safety of the oceans;
 - (v) basic matters concerning the ports to be used for transportation of personnel and materials necessary for installation, maintenance and management of marine renewable energy power generation facilities;
 - (vi) in addition to those set forth in each of the foregoing items, matters necessary to promote the utilization of sea areas for the development of marine renewable energy power generation facilities.
- (3) The basic policy must be harmonized with the basic plan on ocean policy provided for in Article 16, paragraph (1) of the Basic Act on Ocean Policy.
- (4) The Prime Minister must prepare a draft basic policy and seek a cabinet decision.
- (5) When the cabinet decision under the provisions of the preceding paragraph is made, the Prime Minister must publicize it without delay.
- (6) The provisions of the preceding two paragraphs shall apply *mutatis mutandis* to changes of the basic policy.

Chapter III Promotion Zones for the Development of Marine Renewable Energy Power Generation Facilities

Section 1 Designation of the Promotion Zones for the Development of Marine Renewable Energy Power Generation Facilities

(Designation of the Promotion Zones for the Development of Marine Renewable Energy Power Generation Facilities)

Article 8 (1) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may, based on the basic policy, designate certain zones of the territorial and inland waters of our State that conform to the following criteria as the promotion zones for the development of marine renewable energy power generation facilities.

- (i) that meteorological, oceanic and other natural conditions are suitable to implement the marine renewable energy power generation project and it is expected that once the marine renewable energy power generation facilities are installed, their power output will reach a considerable level;
- (ii) that it is found, given the scale and condition of the relevant zones, that the proper placement of marine renewable energy power generation facilities is possible without hindering the use, preservation and management of

- waterways and ports in and neighboring the relevant zones;
- (iii) that it is found that the integrated use of the ports within and outside of the relevant zones is possible in connection with the transportation of personnel and materials necessary for installment, maintenance and management of the marine renewable energy power generation facilities;
 - (iv) that it is expected that electric connection between the marine renewable energy power generation facilities and the electric lines maintained and operated by electricity utilities will be properly secured;
 - (v) that it is expected that the implementation of the marine renewable energy power generation project will not hinder fisheries;
 - (vi) that the promotion zones will not overlap the zone of a fishing port designated by a mayor of a municipality, a prefectural governor or the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 6, paragraphs (1) through (4) of the Act on Development of Fishing Ports and Grounds (Act No. 137 of 1950), the zone of a fishing port provided for in Article 2, paragraph (3) of the Port and Harbor Act (Act No. 218 of 1950), the water area publicly notified by a prefectural governor pursuant to the provisions of Article 56, paragraph (1) of said Act, the coastal preservation zone designated pursuant to the provisions of Article 3 of the Coast Act (Act No. 101 of 1956), and the low tide level zone provided for in Article 2, paragraph (5) of the Act on the Preservation of Low Tide Levels and Development of Infrastructure to Preserve and Facilitate Use of Exclusive Economic Zones and the Continental Shelf (Act No. 41 of 2010) or the water area publicly notified by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 9, paragraph (1) of said Act.
- (2) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to make the designation under the provisions of the preceding paragraph, the Ministers shall investigate the condition of the relevant zone in advance.
 - (3) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to make the designation under paragraph (1), the Ministers must give prior public notice to that effect pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism and make a draft of such designation available for public inspection, together with a document describing reasons why they intend to make such designation, for two weeks from the relevant public notice.
 - (4) When the public notice is given pursuant to the provisions of the preceding paragraph, the interested parties may submit their written opinion as to the draft designation made available for public inspection to the Minister of

Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism on or prior to the date of expiration of the public inspection period under said paragraph.

- (5) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to make the designation under the provisions of paragraph (1), the Ministers must, together with copies of the written opinion submitted pursuant to the provisions of the preceding paragraph, consult with the Minister of Agriculture, Forestry and Fisheries, the Minister of the Environment and other heads of other relevant administrative organs, and hear opinions of the relevant prefectural governors and, when the council provided for in paragraph (1) of the immediately following Article is established for the zones that the Ministers intend to make such designation, hear opinions of that council.
- (6) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have made the designation pursuant to the provisions of paragraph (1), the Ministers must give public notice to that effect, as well as of the promotion zones for the development of marine renewable energy power generation facilities, without delay pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (7) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism find that all or any of the zones that are designated as the promotion zones for the development of marine renewable energy power generation facilities are no longer necessary to be designated pursuant to the provisions of paragraph (1) or find that all of any of those zones no longer fall under any of the items of said paragraph, the Ministers may lift such designation of the promotion zones for the development of marine renewable energy power generation facilities, or change their zones. In this case, the provisions of paragraph (2) through the immediately preceding paragraph shall apply *mutatis mutandis*.

(Council)

Article 9 (1) The Minister of Economy, Trade and Industry, the Minister of Land, Infrastructure, Transport and Tourism and the relevant ministerial governors may establish a council to make discussions necessary for the designation of the promotion zones for the development of marine renewable energy power generation facilities and the implementation of the marine renewable energy power generation project in the promotion zones for the development of marine renewable energy power generation facilities (hereinafter in this Article referred to as the "council").

- (2) The council shall consist of the following persons:

- (i) the Minister of Economy, Trade and Industry, the Minister of Land, Infrastructure, Transport and Tourism, and the relevant prefectural governors;
 - (ii) the Minister of Agriculture, Forestry and Fisheries and the mayors of the relevant municipalities;
 - (iii) groups established by the related fishery managers and other interested parties, academic experts and other persons deemed necessary by the Minister of Economy, Trade and Industry, the Minister of Land, Infrastructure, Transport and Tourism, and the relevant prefectural governors.
- (3) If the council is not established, the relevant prefectural governors may request the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism to establish the council.
- (4) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism who have received the request under the provisions of the immediately preceding paragraph must respond to that request, except when there are justifiable grounds not to do so.
- (5) The heads of the relevant administrative organs may, at the request of members of the council, provide the council with necessary advice, materials and other cooperation with regard to the designation of the promotion zones for the development of marine renewable energy power generation facilities and the implementation of a marine renewable energy power generation project in the promotion zones for the development of marine renewable energy power generation facilities.
- (6) Members of the council must respect results of deliberations with regard to the particulars on which they have reached a consensus at the council.
- (7) In addition to what is provided for in each of the preceding items, matters necessary for the management of the council shall be specified by the council.

(Permission for Occupancy of Sea Areas within the Promotion Zones)

Article 10 (1) A person that intends to engage in any act that falls under any of the following items in the sea areas within the promotion zones for the development of marine renewable energy power generation facilities (including the areas of space above those zones and seabed level under those zones as prescribed by Cabinet Order; hereinafter referred to the "sea areas within the promotion zones") must obtain permission of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, except for the acts prescribed by Cabinet Order as those that are unlikely to hinder the utilization or conservation of the sea areas within the promotion zones.

- (i) occupancy of the sea areas within the promotion zones;

- (ii) collection of earth and sand;
 - (iii) installation of new facilities or structures or reconstruction of the existing facilities or structures (excluding those involving the occupancy under item (i));
 - (iv) in addition to those set forth in the preceding three items, any act prescribed by Cabinet Order as those that are likely to hinder the utilization or conservation of the sea areas within the promotion zones.
- (2) If the acts under the preceding paragraph seriously obstruct the utilization or conservation of the sea areas within the promotion zones or the maintenance of the functions of the surrounding ports, the Minister of Land, Infrastructure, Transport and Tourism must not grant permission.
- (3) When the State or the local government intends to engage in any of the acts under paragraph (1), "obtain permission of the Minister of Land, Infrastructure, Transport and Tourism" in that paragraph shall be deemed to be replaced with "discuss with the Minister of Land, Infrastructure, Transport and Tourism"; and "grant permission" in the immediately preceding paragraph shall be deemed to be replaced with "participate in the consultation."
- (4) The occupancy period of the sea areas within the promotion zones under item (i) of said paragraph to which the permission under paragraph (1) pertains must not exceed the period prescribed by Cabinet Order up to the extent not exceeding thirty years. The same will apply to the renewal of that period.
- (5) The Minister of Land, Infrastructure, Transport and Tourism may attach conditions to the permission under in paragraph (1) to the extent necessary for the utilization or conservation of the sea areas of the promotion zones or the maintenance of the functions of the surrounding ports. In this case, those conditions must not impose improper obligations on a recipient of the permission.
- (6) The Minister of Land, Infrastructure, Transport and Tourism may collect the occupancy fee or earth and sand collection fee from the recipient of the permission under paragraph (1) for the acts under item (i) or (ii) of said paragraph pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (7) The Minister of Land, Infrastructure, Transport and Tourism may, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, impose on a person that has evaded payment of the occupancy fee or earth and sand collection fee under the immediately preceding paragraph by fraud or other illegal means an administrative surcharge not exceeding the amount equivalent to five times the amount evaded.

(Transitional Measures)

Article 11 A person that has already engaged in the act for which the permission

under paragraph (1) of the immediately preceding Article is required or a person that has already installed the facilities or structures for which the permission for installation is required pursuant to the provisions of said paragraph, in either case under any title upon the designation of the promotion zones for the development of marine renewable energy power generation facilities shall be deemed to have obtained the permission under said paragraph for that act or installation of those facilities or structures under the same conditions as in the past. The same shall apply to a person that has already engaged in the act for which new permission is required or has already installed the facilities or structures for which the permission for installation is required, in either case under any title upon the enforcement of the Cabinet Order under the proviso of said paragraph or item (iv) or the Cabinet Order amending or abolishing that Cabinet Order.

(Prohibited Acts in the Sea Areas within the Promotion Zones)

Article 12 It is prohibited for any person to dump or leave vessels, earth and rocks, or other property provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism in the sea areas within the promotion zones without due cause.

Section 2 Certification of Public Tender of Occupancy Plan

(Guidelines for Public Tender of Occupancy of Marine Renewable Energy Power Generation Facilities)

Article 13 (1) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism designates the promotion zones for the development of marine renewable energy power generation facilities, the Ministers must, based on the basic policy, establish the guidelines for implementation of public tender process and occupancy of sea areas within the promotion zones for the development of marine renewable energy power generation facilities (hereinafter referred to as the "guidelines for public tender of occupancy") in order to select, by public tender, a person that should carry out the marine renewable energy power generation project by developing marine renewable energy power generation facilities in the sea areas within the promotion zones.

(2) The following matters shall be provided for in the guidelines for public tender of occupancy:

(i) classification, etc., of the renewable energy power generation facilities specified in Article 3, paragraph (1) of the Renewable Energy Electricity Special Measures Act to which the marine renewable energy power generation facilities that are subject to public tender (hereinafter in items

- (ix) and paragraph (4) referred to as the "classification, etc., of the subject power generation facilities") pertain;
- (ii) occupancy zones of the sea areas within the promotion zones for the relevant marine renewable energy power generation facilities;
- (iii) timing of commencement of occupancy of the sea areas within the promotion zones for the relevant marine renewable energy power generation facilities;
- (iv) criteria for power output of the relevant marine renewable energy power generation facilities;
- (v) criteria for qualifications of public tender participants;
- (vi) amount of security deposit to be provided by public tender participants, and method and time limit of provision, and other matters concerning the security deposit;
- (vii) maximum amount of supply price (which means the price per kilowatt-hour of the marine renewable energy electricity that can be supplied by using the relevant marine renewable energy power generation facilities; hereinafter the same applies in paragraph (2), item (ix) of the immediately following Article and Article 15, paragraph (1), item (i)) (hereinafter in paragraph (6) and said item referred to as the "maximum amount of supply price");
- (viii) method of determining the amount of procurement price provided for in Article 3, paragraph (1) of the Renewable Energy Electricity Special Measures Act under the public tender (hereinafter in Article 16 simply referred to as a "procurement price");
- (ix) procurement period provided for in Article 3, paragraph (1) of the Renewable Energy Electricity Special Measures Act to which the classification, etc., of the subject power generation facilities pertains (hereinafter in Article 16 simply referred to as a "procurement period");
- (x) time limit of submission of an application for certification under the provisions of Article 9, paragraph (1) of the Renewable Energy Electricity Special Measures Act by an appointed business operator (which means the person selected by the public tender as the person that should carry out the marine renewable energy power generation project by developing the marine renewable energy power generation facilities in the sea areas within the promotion zones; hereinafter the same applies);
- (xi) matters concerning the ports to be used integrally with the zones set forth in item (ii) in connection with transportation of personnel and materials necessary for installation, maintenance and management of the relevant marine renewable energy power generation facilities;
- (xii) matters concerning removal of the relevant marine renewable energy power generation facilities in cases where the occupancy period of the sea

- areas within the promotion zones expires and where the sea areas within the promotion zones are no longer occupied for any other reason;
- (xiii) validity period of the certification under Article 17, paragraph (1);
 - (xiv) matters concerning coordination between the person carrying out the marine renewable energy power generation project, and the heads of the relevant administrative organs, the relevant prefectural governors and the mayors of the relevant municipalities;
 - (xv) assessment criteria for selecting appointed business operators;
 - (xvi) in addition to those set forth in each of the preceding items, matters concerning the implementation of the public tender procedure and other necessary matters.
- (3) The validity period under item (xiii) of the immediately preceding paragraph shall not exceed thirty years.
- (4) When the Minister of Economy, Trade and Industry intends to specify the classification, etc., of the subject power generation facilities or the matters set forth in paragraph (2), items (iv) through (x), the Minister must hear opinions of the Calculation Committee for Procurement Prices, etc., in advance. In this case, the Minister of Economy, Trade and Industry shall respect the opinions of the Calculation Committee for Procurement Prices, etc.
- (5) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to establish the assessment criteria under paragraph (2), item (xv), the Ministers must hear opinions of the relevant prefectural governors and academic experts in advance pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (6) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have established the guidelines for public tender of occupancy, the Ministers must give public notice to that effect without delay; provided, however, that the Ministers may refrain from giving public notice of the maximum amount of supply price in the guidelines for public tender of occupancy when the Ministers find it to be necessary for effective implementation of the public tender process.
- (7) The provisions of the immediately preceding three paragraphs shall apply mutatis mutandis to changes to the guidelines for public tender of occupancy.
- (8) For the purpose of applying the provisions of the Renewable Energy Electricity Measures Act in the case of paragraph (1), "those ..." in Article 3, paragraph (1) of the Renewable Energy Electricity Special Measures Act shall be deemed to be replaced with "those ... and those prescribed in the guidelines for public tender of occupancy provided for in Article 13, paragraph (1) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities (Act No. 89 of 2018; hereinafter

the "Promotion Act"); "classification, etc., of renewable energy power generation facilities" in Article 9, paragraph (3), item (v) of the Renewable Energy Electricity Special Measures Act shall be deemed to be replaced with "classification, etc., of renewable energy power generation facilities or classification, etc., of the subject power generation facilities specified in paragraph (2), item (i) of said Article provided for in the guidelines for public tender of occupancy specified in Article 13, paragraph (1) of the Promotion Act; "Article 5, paragraph (2), item (viii) in (b) of said item shall be deemed to be replaced with "Article 5, paragraph (2), item (viii) or Article 13, paragraph (2), item (x) of the Promotion Act"; "there has been ... pursuant to the provisions of Article 6" in (b) of said item shall be deemed to be replaced with "there has been ... pursuant to the provisions of Article 6 and the renewable energy power generation project plan presented in the application is consistent with the public tender of the occupancy plan specified in Article 14, paragraph (1) of the Promotion Act"; "Article 7, paragraph (7)" in (c) of said item shall be deemed to be replaced with "Article 7, paragraph (7) or Article 15, paragraph (6) of the Promotion Act"; "this Act" in Article 67, paragraph (2) of the Renewable Energy Electricity Special Measures Act shall be deemed to be replaced with "this Act or the Promotion Act"; and any other necessary technical replacement shall be specified by Cabinet Order.

(Submission of a public tender of the occupancy plan)

Article 14 (1) A person that intends to apply for public tender to become an appointed business operator must prepare a plan for occupancy of the sea areas within the promotion zones for the development of marine renewable energy power generation facilities that the person intends to install (hereinafter referred to as a "public tender of the occupancy plan") pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism and submit that plan to the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism.

(2) The following particulars must be stated in the public tender of the occupancy plan:

- (i) occupancy zones of the sea areas within the promotion zones;
- (ii) occupancy period of the sea areas within the promotion zones;
- (iii) details and implementation period of the marine renewable energy power generation project;
- (iv) classification, etc., of the renewable energy power generation facilities specified in Article 3, paragraph (1) of the Renewable Energy Electricity Special Measures Act to which the marine renewable energy power generation facilities that it intends to install pertain;

- (v) structures of the relevant marine renewable energy power generation facilities;
 - (vi) methods of implementation of construction works;
 - (vii) timing of construction works;
 - (viii) power output of the relevant marine renewable energy power generation facilities;
 - (ix) supply price;
 - (x) methods of maintenance and management of the relevant marine renewable energy power generation facilities;
 - (xi) matters concerning the ports to be used integrally with the zones set forth in item (i) in connection with transportation of personnel and materials necessary for installation, maintenance and management of the relevant marine renewable energy power generation facilities;
 - (xii) methods of removal of the relevant marine renewable energy power generation facilities in cases where the occupancy period of the sea areas within the promotion zones expires or where the sea areas within the promotion zones are no longer occupied for any other reason;
 - (xiii) matters concerning the framework and capacities to make the coordination specified in paragraph (2), item (xiv) of the immediately preceding Article;
 - (xiv) financial plan, and earnings and expenditure plan;
 - (xv) other matters prescribed by Order of the Ministry Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) In addition to the particulars set forth in the items of the immediately preceding paragraph, the following matters relating to the implementation of the marine renewable energy power generation project can be stated in the public tender of the occupancy plan:
- (i) matters concerning the acts for which the permission under Article 37, paragraph (1) of the Port and Harbor Act is required;
 - (ii) matters concerning the acts for which the permission under Article 38-2, paragraph (1) or (4) of the Port and Harbor Act is required
- (4) Submission of the public tender of the occupancy plan shall be made within a period of not less than one month publicly notified by the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism.

(Selection of an Appointed Business Operator)

Article 15 (1) When the public tender of the occupancy plan is submitted by a person that intends to apply for the public tender pursuant to the provisions of paragraph (1) of the immediately preceding Article to become an appointed

business operator, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism must examine whether or not the relevant public tender of the occupancy plan conforms to the following criteria:

- (i) that the supply price is not more than the maximum amount of the supply price and the relevant public tender of the occupancy plan is otherwise appropriate in light of the guidelines for public tender of occupancy;
 - (ii) that the occupancy of the sea areas within the promotion zones covered by the relevant public tender of the occupancy plan does not fall under the cases where the permission must not be granted under Article 10, paragraph (2);
 - (iii) that the marine renewable energy power generation facilities covered by the relevant public tender of the occupancy plan and the methods of maintenance and management of those facilities conform to the criteria specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism;
 - (iv) that the person that has submitted the relevant public tender of the occupancy plan is not obviously considered to be likely to commit an unfair or dishonest act.
- (2) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism find as a result of the examination pursuant to the provisions of the preceding paragraph that the public tender of the occupancy plan conforms to the criteria set forth in the items of said paragraph, the Ministers shall assess all public tender of occupancy plans that are found to conform to those criteria according to the assessment criteria under Article 13, paragraph (2), item (xv).
- (3) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism shall, based on the assessment under the immediately preceding paragraph, select the person that has submitted the public tender of the occupancy plan that is found most appropriate to enable the long-term, stable and efficient implementation of the marine renewable energy power generation project as an appointed business operator.
- (4) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to select an appointed business operator pursuant to the provisions of the immediately preceding paragraph, the Ministers must hear opinions of academic experts in advance pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (5) When the Minister of Land, Infrastructure, Transport and Tourism intends to select an appointed business operator pursuant to the provisions of paragraph (3) and the particulars set forth in the items of paragraph (3) of the immediately preceding Article are stated in the public tender of the occupancy

plan submitted by the person that the Minister intends to select, the Minister must consult with the port administrator (which means the port administrator specified in Article 2, paragraph (1) of the Port and Harbor Act) in advance and obtain the consent of that port administrator to the particulars set forth in paragraph (3), item (i) of the immediately preceding Article.

(6) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have selected the appointed business operator pursuant to the provisions of paragraph (3), the Ministers shall notify that business operator to that effect.

(Procurement Price and Procurement Period at the Appointed Business Operator)

Article 16 The Minister of Economy, Trade and Industry must, in accordance with the guidelines for public tender of occupancy, determine the procurement price and procurement period of the marine renewable energy power generation facilities at the appointed business operator based on the results of the public tender and give public notice to that effect. In this case, the provisions of Article 8, paragraph (2) of the Renewable Energy Electricity Special Measures Act shall apply mutatis mutandis.

(Certification of the Public Tender of the Occupancy Plan)

Article 17 (1) With respect to the public tender of the occupancy plan submitted by the appointed business operator, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism shall certify that such public tender of occupancy plan is appropriate, by designating the areas and period of occupancy of the sea areas within the promotion zones.

(2) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have made the certification under the preceding paragraph, the Ministers must, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, publicly notify the outline of the public tender of the occupancy plan so certified, and the date and validity period of such certification, as well as the areas of occupancy and period of occupancy of the sea areas within the promotion zones designated pursuant to the provisions of said paragraph.

(Changes to the Public Tender of the Occupancy Plan)

Article 18 (1) When the appointed business operator that has received the certification under paragraph (1) of the immediately preceding Article intends to make changes to the certified public tender of the occupancy plan, that

business operator must have those changes certified by the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism, except for minor changes prescribed by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

- (2) When the application for certification of the changes pursuant to the provisions of the preceding paragraph was made, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism shall certify those changes only if the Ministers find that those changes conform to the following criteria:
 - (i) that the public tender of occupancy plan after the changes satisfies the criteria set forth in Article 15, paragraph (1), items (i) through (iii);
 - (ii) that it is expected that the changes to the relevant public tender of the occupancy plan will contribute to further increasing the public interest; or that there are any inevitable grounds for those changes.
- (3) The provisions of Article 15, paragraph (5) and paragraph (2) of the immediately preceding Article shall apply mutatis mutandis to the certification of the changes pursuant to the provisions of paragraph (1).
- (4) When the appointed business operator that has received the certification under paragraph (1) of the immediately preceding Article makes minor changes prescribed by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in the proviso of paragraph (1), that business operator must notify the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay.

(Permission for the Occupancy of the Marine Renewable Energy Power Generation Facilities in the Sea Areas within the Promotion Zones)

- Article 19 (1) When the appointed business operator has obtained the certification under Article 17, paragraph (1) (including the certification of the changes pursuant to the provisions of paragraph (1) of the immediately preceding Article; hereinafter referred to as the "certification of the public tender of the occupancy plan"), that business operator shall install, maintain and manage the marine renewable energy power generation facilities in accordance with the public tender of the occupancy plan as certified as such (or, in case of changes in that plan, the plan after the changes; hereinafter the "certified public tender of the occupancy plan").
- (2) When the application for the permission under Article 10, paragraph (1) under the certified public tender of the occupancy plan (limited to that under item (i) of said paragraph; hereinafter the same applies in the immediately following paragraph and Article 21, paragraph (3)) was made by the appointed

business operator, the Minister of Land, Infrastructure, Transport and Tourism must grant such permission.

- (3) If the certification of the public tender of the occupancy plan is made, any persons other than the appointed business operator may not apply for the permission under Article 10, paragraph (1) with regard to the areas of occupancy of the sea areas within the promotion zones under Article 17, paragraph (2) within the period of occupancy under Article 17, paragraph (2) (including the cases where it is applied mutatis mutandis in paragraph (3) of the immediately preceding Article; hereinafter the same applies in this paragraph).

(Succession to the Status)

Article 20 The following persons may succeed to the status under the certification of the public tender of the occupancy plan owned by the appointed business operator by obtaining the approval of the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism:

- (i) general successor of the appointed business operator;
- (ii) the person that has obtained the ownership of the marine renewable energy power generation facilities to be installed, maintained and managed, or installed maintained and managed under the certified public tender of the occupancy plan, and other title necessary for installation, maintenance and management of the relevant marine renewable energy power generation facilities from the appointed business operator.

(Rescission of Certification of the Public Tender of the Occupancy Plan)

Article 21 (1) In either of the following cases, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may rescind the certification of the public tender of occupancy plan:

- (i) when the appointed business operator breaches the provisions of Article 19, paragraph (1);
 - (ii) when it is discovered that the appointed business operator has obtained the certification of the public tender of occupancy plan by deception or other wrongful means.
- (2) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism rescind the certification of the public tender of the occupancy plan pursuant to the provisions of the preceding paragraph, the Ministers must give public notice to that effect.
- (3) When the certification of the public tender of the occupancy plan is rescinded pursuant to the provisions of paragraph (1), the permission under Article 10, paragraph (1) granted under the certified public tender of occupancy plan in connection with the certification of that public tender of the occupancy plan

shall cease to be effective.

(Special Provisions on the Port and Harbor Act)

- Article 22 (1) When the public tender of the occupancy plan in which the particulars set forth in Article 14, paragraph (3), item (i) are stated is certified pursuant to the provisions of Article 17, paragraph (1) or Article 18, paragraph (1), the permission under Article 37, paragraph (1) of the Port and Harbor Act shall be deemed to have been granted to the appointed business operator to which those particulars pertain on the date of such certification.
- (2) When the public tender of the occupancy plan in which the particulars set forth in Article 14, paragraph (3), item (ii) are stated is certified pursuant to the provisions of Article 17, paragraph (1) or Article 18, paragraph (1), the notification under the provisions of Article 38-2, paragraph (1) or (4) of the Port and Harbor Act shall be deemed to have been submitted.

Section 3 Supervision

(Emergency Measures in Case of an Extraordinary Disaster)

- Article 23 (1) When an extraordinary disaster takes place that causes an obstruction to vessel transit and it is essential to do so in order to secure the transit of vessels used for emergency transportation, the Minister of Land, Infrastructure, Transport and Tourism may use, expropriate, or dispose of the marine renewable energy power generation facilities or vessels, marine equipment or other property in the sea areas within the promotion zones.
- (2) The Minister of Land, Infrastructure, Transport and Tourism must compensate a person that incurs a loss as a result of the act under the provisions of the preceding paragraph for such loss.
- (3) With respect to the loss incurred as a result of the act under the provisions of paragraph (1), the Minister of Land, Infrastructure, Transport and Tourism must compensate the owner or occupier of the relevant marine renewable energy power generation facilities or vessel, marine equipment or other property for the loss that could not have been incurred but for that act and the loss resulting from the failure to earn the profit that would normally have been earned.
- (4) If the person that is eligible to be compensated pursuant to the provisions of the immediately preceding paragraph is dissatisfied with the determination of the amount, that person may seek an increase in the compensation amount by bringing a suit against the Minister of Land, Infrastructure, Transport and Tourism within six months from the day when that person receives the notification of the determination of the amount.

(Supervisory Disposition)

Article 24 (1) The Minister of Land, Infrastructure, Transport and Tourism may order the following persons to suspend construction works and other acts, remove, relocate or alter structures or vessels or other property (hereinafter in this Article referred to as "structures, etc."), install facilities or take other measures necessary to eliminate or prevent obstructions which have resulted or should result from the works and other acts or structures, etc., or restore them to their original conditions (hereinafter in paragraphs (3) and (9) referred to as "removal, etc., of structures, etc."):

(i) a person who, in violation of the provisions of Article 10, paragraph (1), has committed the acts set forth in the items of said paragraph;

(ii) a person who has violated the conditions attached to the permission under Article 10, paragraph (1);

(iii) a person who has obtained the permission under Article 10, paragraph (1) by deception or other wrongful means;

(iv) a person who has breached the provisions of Article 12.

(2) The Minister of Land, Infrastructure, Transport and Tourism may rescind the permission under Article 10, paragraph (1), suspend its validity, change its conditions, or attach new conditions to the person falling under item (ii) or (iii) of the preceding paragraph.

(3) When the Minister of Land, Infrastructure, Transport and Tourism intends to order removal, etc., of structures, etc., pursuant to the provisions of paragraph (1), and is without fault in being unable to ascertain the person that should be ordered to carry out the removal, etc., of structures, etc., the Minister may carry out the removal, etc., of structures, etc., by himself/herself or have a person ordered or delegated by the Minister carry out such removal, etc., of structures, etc. In this case, the Minister of Land, Infrastructure, Transport and Tourism must give prior public notice that the person should carry out such removal, etc., of structures, etc., within a specified reasonable period, and that if the person does not carry out removal, etc., of such structures, etc., within the specified period, the Minister of Land, Infrastructure, Transport and Tourism or the person ordered or delegated by the Minister will carry out such removal, etc., of structures, etc.

(4) When the Minister of Land, Infrastructure, Transport and Tourism removes structures, etc., or has structures, etc., removed pursuant to the provisions of the immediately preceding paragraph, the Minister must store the relevant structures, etc.

(5) When the Minister of Land, Infrastructure, Transport and Tourism stores the structures, etc., pursuant to the provisions of the immediately preceding paragraph, the Minister must give public notice of the particulars prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism

pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism in order to return the relevant structures, etc., to the owner or occupier of the relevant structures, etc., or other person that owns the titles to the relevant structures (hereinafter in paragraph (9) referred to as the "owner, etc.")

- (6) When the structures, etc., stored pursuant to the provisions of paragraph (4) are lost or are likely to be damaged, or when the relevant structures, etc., cannot be returned even after the elapse of three months from the date of public notice under the provisions of the preceding paragraph, and unreasonable costs or problems are encountered for storing them in comparison with the value of the relevant structures, etc., evaluated pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, the Minister of Land, Infrastructure, Transport and Tourism may sell the relevant structures, etc., and keep the proceeds from such sale pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (7) If there is no purchaser upon the sale of the structures, etc., under the provisions of the immediately preceding paragraph, and the price referred to in said paragraph is remarkably low, the Minister of Land, Infrastructure, Transport and Tourism may dispose of the relevant structures, etc.
- (8) The proceeds from sale of the structures, etc., pursuant to the provisions of paragraph (6) may be appropriated for the expenses required for the sale.
- (9) Expenses required for the removal, storage, sale, public notice and other measures specified in paragraphs (3) through (6) shall be borne by the owner, etc., to whom the relevant structures, etc., should be returned or another person that should order the removal of the relevant structures, etc.
- (10) If the Minister of Land, Infrastructure, Transport and Tourism cannot return the structures, etc., (including the amount of proceeds from sale pursuant to the provisions of paragraph (6); hereinafter the same applies in this paragraph) stored by the Minister pursuant to the provisions of paragraph (4) even after the elapse of six months from the date of public notice under paragraph (5), the ownership of the relevant structures, etc., shall vest in the State.

(Request for Report)

Article 25 (1) The Minister of Land, Infrastructure, Transport and Tourism may, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, request the person that has obtained the permission under Article 10, paragraph (1) (excluding the appointed business operator) to submit necessary reports, or have its officials enter into the place of the acts to which that permission pertains or the office or place of business of the person

that has obtained that permission and inspect the circumstances of the acts to which that permission pertains, or structures, etc., books and records, documents and other necessary property, to the extent necessary for the enforcement of this Act.

- (2) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, request the appointed business operator to make necessary reports, or have their officials enter into the place in which the marine renewable energy power generation facilities are developed or the office or place of business of that appointed business operator and inspect the marine renewable energy power generation facilities, books and records, documents and other necessary property, to the extent necessary for the enforcement of this Act.
- (3) The officials who will conduct on-site inspections pursuant to the provisions of the preceding two paragraphs must carry an identification card and present it to the related persons.
- (4) The authority to conduct the on-site inspection pursuant to the provisions of paragraphs (1) and (2) must not be construed as being granted for criminal investigation purposes.

(Compulsory Collection)

- Article 26 (1) If a person does not pay the occupancy fee or earth and sand collection fee under Article 10, paragraph (6) or the dues under Article 24, paragraph (9) (hereinafter in paragraphs (3) and (4) collectively referred to as "charges, fines, and fees") by the due date for payment, the Minister of Land, Infrastructure, Transport and Tourism must demand the payment by serving a written demand designating a time limit of the payment. In this case, the time limit of the payment to be designated in the written demand must be the day on which twenty days or more have elapsed from the day on which the written demand is served.
- (2) When the Minister of Land, Infrastructure, Transport and Tourism has demanded the payment pursuant to the provisions of the preceding paragraph, the Minister may collect a delinquency charge pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism. In this case, the delinquency charge must not exceed the amount calculated at a rate of 14.5% per annum.
 - (3) When the person that has been demanded to make the payment pursuant to the provisions of paragraph (1) fails to pay the amount payable by that person by the designated time limit, the Minister of Land, Infrastructure, Transport and Tourism may collect the charges, fines and fees and the delinquency

charge under the immediately preceding paragraph by the same procedures as used in the disposition of national tax delinquency. In this case, the statutory lien for the charges, fines, and fees and the delinquency charge shall have priority subordinate to the national tax and local tax.

(4) The delinquency charge shall be collected prior to the charges, fines, and fees.

Chapter IV Miscellaneous Provisions

(Provision of Information)

Article 27 In order to promote the utilization of the sea areas for the development of marine renewable energy power generation facilities, the Minister of Land, Infrastructure, Transport and Tourism shall provide the persons carrying out the marine renewable energy power generation project with information concerning the ports that are available for transportation of personnel and materials necessary for the installment, maintenance and management of the marine renewable energy power generation facilities.

(Delegation of Orders)

Article 28 In addition to what is provided for in this Act, the matters necessary for the enforcement of this Act shall be specified by orders.

(Transitional Measures)

Article 29 Where an order is established, revised or abolished pursuant to this Act, necessary transitional measures (including transitional measures concerning the penal provisions) may be prescribed in that order to the extent considered reasonably necessary in connection with such establishment, revision or abolishment.

(Delegation of Authority)

Article 30 The authorities of the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism provided for in this Act may be partially delegated to the heads of the local branch bureaus and departments pursuant to the provisions of Cabinet Order.

Chapter V Penal Provisions

Article 31 If an official of the State, in connection with the certification under the provisions of Article 17, paragraph (1), has committed an act that impairs the fairness of the public tender of occupancy in breach of his or her duties, by inciting any prospective recipient of the certification to engage in bid rigging, informing any prospective recipient of the certification of any secret concerning

the public tender to which the relevant certification pertains (hereinafter referred to as "public tender of occupancy"), or employing any other means, the official shall be punished by imprisonment with work for not more than five years or a fine of not more than 2,500,000 yen.

Article 32 (1) A person who, by the use of fraudulent means or force, has committed an act that impairs the fairness of the public tender of the occupancy process shall be punished by imprisonment with work for not more than three years or a fine of not more than 2,500,000 yen, or both.

(2) The preceding paragraph shall apply to a person who has engaged in bid rigging for the public tender of occupancy for the purpose of impairing a fair determination of price or acquiring a wrongful gain.

Article 33 A person who falls under either of the following items shall be punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen:

- (i) a person who has, in violation of the provisions of Article 10, paragraph (1), committed any of the acts set forth in the items of said paragraph;
- (ii) a person who has violated the provisions of Article 12.

Article 34 A person who has violated the order of the Minister of Land, Infrastructure, Transport and Tourism under the provisions of Article 24, paragraph (1) shall be punished by a fine of not more than 500,000 yen.

Article 35 A person who has failed to make a report under the provisions of Article 25, paragraph (1) or (2) or has made a false report, or has refused, interrupted, or evaded an inspection under those provisions shall be punished by a fine of not more than 300,000 yen.

Article 36 If the representative of a corporation or an agent, an employee or other worker of a corporation or an individual commits a violation referred to in Article 32 through the immediately preceding Article, beyond the offender being subject to punishment, the corporation and the individual shall be subject to the fine referred to in the relevant Article.

Supplementary Provisions

(Validity Date)

Article 1 This Act shall come into effect as of the date prescribed by Cabinet Order within a period not exceeding four months from the date of promulgation.

(Transitional Measures Concerning Public Notification of the Guidelines for Public Tender of Occupancy)

Article 2 The provisions of the proviso of Article 13, paragraph (6) (including the cases where it is applied mutatis mutandis pursuant to paragraph (7) of said Article) shall not apply on or prior to the date prescribed by Cabinet Order within a period not exceeding two years of the date of promulgation.

(Examination)

Article 3 When five years have elapsed after the enforcement of this Act, the government shall examine the status of the enforcement of this Act and, whenever the government finds it to be necessary, take necessary measures based on the results of the examination.

(Partial Amendment of the Port and Harbor Act)

Article 4 The Port and Harbor Act shall be partially amended as follows:

In Article 56-3, paragraph (1), "port zone and" shall be amended to "port zone,"; and "the promotion zones for the development of marine renewable energy power generation facilities specified in Article 2, paragraph (5) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities (Act No. 89of 2018)" shall be added following "areas of water ...".

(Partial Amendment of the Act on the Protection of Fishery Resources)

Article 5 The Act on the Protection of Fishery Resources (Act No. 313 of 1951) shall be partially amended as follows:

In Article 18, paragraph (1), "water area or" shall be amended to "water area," and "water area " shall be amended to "water area or the promotion zones for the development of marine renewable energy power generation facilities specified in Article 2, paragraph (5) (definition of the promotion zones for the development of marine renewable energy power generation facilities) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities (Act No. 89of 2018)"; in paragraph (5) of said Article, "designation" shall be amended to "provisions," "exercise ..., or" shall be amended to "exercise ...", and "intends ..., or to attend ..." shall be amended to "to attend ..., or that the Minister of Land, Infrastructure, Transport and Tourism intends to grant permission pursuant to the provisions of Article 10, paragraph (1) (permission for the occupancy of the sea areas within the promotion zones) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities, or to attend the consultation pursuant to the provision of paragraph (1) of said Article as replaced pursuant to the provisions of

paragraph (3) of said Article (special provisions on construction works by the State, etc., in the sea areas within the promotion zones)."

(Transitional Measures Concerning the Penal Provisions)

Article 6 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act in violation of the provisions of the Port and Harbor Act prior to the amendment by the provisions of Article 4 of the Supplementary Provisions, and any acts committed prior to the enforcement of this Act in violation of the provisions of the Act on the Protection of Fishery Resources prior to the amendment by the provisions of the immediately preceding Article, the provisions then in force shall remain applicable.

(Partial Amendment of the Self-Defense Forces Act)

Article 7 (1) The Self-Defense Forces Act (Act No. 165 of 1954) shall be partially amended as follows:

In Article 115-2, paragraph (3), "Article 115-24" shall be amended to "Article 115-25."

The following Article shall be added following Article 115-24.

(Special Provisions on the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities)

Article 115-25 With regard to the application of the provisions of Article 10, paragraph (3) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities (Act No. 89 of 2018) where the units, etc., of the Self-Defense Forces called out pursuant to the provisions of Article 76, paragraph (1) (but only the part to which item (i) pertains), or ordered to take the measures provided for in Article 77-2 intend to carry out any act for which the permission is required pursuant to the provisions of Article 10, paragraph (1) of said Act, "'obtain permission of the Minister of Land, Infrastructure, Transport and Tourism' shall be deemed to be replaced with 'discuss with the Minister of Land, Infrastructure, Transport and Tourism'; and 'grant permission' in the immediately preceding paragraph shall be deemed to be replaced with 'participate in the consultation'" in that paragraph shall be deemed to be replaced with "'obtain permission of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism' shall be deemed to be replaced with 'give the Minister of Land, Infrastructure, Transport and Tourism prior notice to that effect,'" until those units, etc., are ordered to withdraw, and or

the order under the provisions of Article 77-2 is lifted.

- (2) When the Minister of Land, Infrastructure, Transport and Tourism who was given the notice under the provisions of Article 10, paragraph (1) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities replaced pursuant to the provisions of the preceding paragraph that are replaced pursuant to the provisions of Article 10, paragraph (3) of said Act finds it to be necessary for the utilization or conservation of the sea areas within the promotion zones specified in said paragraph, the Minister may state his/her opinions to the heads of the units, etc., to which the relevant notice pertains.

(Partial Amendment of the Marine Resources Development Promotion Act)

Article 8 The Marine Resources Development Promotion Act (Act No. 60 of 1971) shall be partially amended as follows:

In Article 5, paragraph (2), "... or" shall be amended to "...)"; "With regard to" shall be amended to "With regard to ... or the promotion zones for the development of marine renewable energy power generation facilities specified in Article 2, paragraph (5) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities (Act No. 89 of 2018) (excluding those to be designated by the Minister of Agriculture, Forestry and Fisheries in consultation with the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism"; and "or the Minister of Land, Infrastructure, Transport and Tourism" shall be amended to ", the Minister of Land, Infrastructure, Transport and Tourism or the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism."