

海洋再生可能エネルギー発電設備の整備に係る海域の  
利用の促進に関する法律（暫定版）  
**Act on Promoting the Utilization of Sea Areas for  
the Development of Marine Renewable Energy  
Power Generation Facilities (Tentative translation)**

（平成三十年十二月七日法律第八十九号）  
（Act No. 89 of December 7, 2018）

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第一章 総則

Chapter I General Provisions

（目的）

(Purpose)

第一条 この法律は、海洋再生可能エネルギー発電事業の長期的、安定的かつ効率的な実施の重要性に鑑み、海洋基本法（平成十九年法律第三十三号）に規定する海洋に関する施策との調和を図りつつ、海洋再生可能エネルギー発電設備の整備に係る海域の利用を促進するため、基本方針の策定、海洋再生可能エネルギー発電設備整備促進区域の指定、海洋再生可能エネルギー発電設備整備促進区域内の海域の占用等に係る計画の認定制度の創設等の措置を講ずることにより、我が国の経済社会の健全な発展及び国民生活の安定向上に寄与することを目的とする。

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.

（定義）

(Definitions)

第二条 この法律において「海洋再生可能エネルギー電気」とは、海洋再生可能エネルギー発電設備を用いて海洋再生可能エネルギー源を変換して得られる電気をいう。

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 この法律において「海洋再生可能エネルギー発電設備」とは、海域において海洋再生可能エネルギー源を電気に変換する設備及びその附属設備であつて、船舶に係留するための係留施設を備えるものをいう。

(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 この法律において「海洋再生可能エネルギー源」とは、電気事業者による再生可能エネルギー電気の調達に関する特別措置法（平成二十三年法律第百八号。以下「再生可能エネルギー特別措置法」という。）第二条第四項に規定する再生可能エネルギー源のうち、海域における風力その他の海域において電気のエネルギー源として利用することができるものとして政令で定めるものをいう。

(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 この法律において「海洋再生可能エネルギー発電事業」とは、自らが維持し、及び運用する海洋再生可能エネルギー発電設備を用いて発電した海洋再生可能エネルギー電気を電気事業者（電気事業法（昭和三十九年法律第七十条）第二条第一項第九号に規定する一般送配電事業者及び同項第十三号に規定する特定送配電事業者をいう。第八条第一項第四号において同じ。）に対し供給する事業をいう。

(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 この法律において「海洋再生可能エネルギー発電設備整備促進区域」とは、我が国の領海及び内水の海域のうち第八条第一項の規定により指定された区域をいう。

(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).

（基本理念）

(Basic Principles)

第三条 海洋再生可能エネルギー発電設備の整備に係る海域の利用は、海洋環境の保全、海洋の安全の確保その他の海洋に関する施策との調和を図りつつ、海洋の持続可能な開発及び利用を実現することを旨として、国、関係地方公共団体、海洋再生可能エネルギー発電事業を行う者その他の関係する者の密接な連携の下に行われなければならない。

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.

(国の責務)

**(Responsibilities of the State)**

第四条 国は、前条に定める基本理念（以下「基本理念」という。）にのっとり、海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する施策を総合的に策定し、及び実施する責務を有する。

**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 国は、海洋再生可能エネルギー発電事業を行う者に対し、海洋再生可能エネルギー発電設備の整備に係る海域の利用に関し必要となる情報の収集及び提供その他の支援を行うよう努めなければならない。

**(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 国は、教育活動、広報活動その他の活動を通じて、海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関し、国民の理解を深めるよう努めなければならない。

**(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.**

(関係地方公共団体の責務)

**(Responsibilities of the Relevant Local Governments)**

第五条 関係地方公共団体は、基本理念にのっとり、前条に規定する国の施策に協力して、海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する施策を推進するよう努めなければならない。

**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.**

(海洋再生可能エネルギー発電事業を行う者の責務)

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

第六条 海洋再生可能エネルギー発電事業を行う者は、基本理念にのっとり、その事業

活動を行うに当たり、漁業その他の海洋の多様な開発及び利用、海洋環境の保全並びに海洋の安全の確保との調和に配慮するとともに、国及び関係地方公共団体が実施する海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する施策に協力するよう努めなければならない。

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.

## 第二章 基本方針

### Chapter II Basic Policy

第七条 政府は、基本理念にのっとり、海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する施策の総合的かつ計画的な推進を図るための基本的な方針（以下「基本方針」という。）を定めなければならない。

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 基本方針には、次に掲げる事項を定めるものとする。

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

一 海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進の意義及び目標に関する事項

(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;

二 海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する施策に関する基本的な事項

(ii) basic matters concerning measures for promoting the utilization of sea areas for the development of marine renewable energy power generation facilities;

三 海洋再生可能エネルギー発電設備整備促進区域の指定に関する基本的な事項

(iii) basic matters concerning the designation of the promotion zones for the development of marine renewable energy power generation facilities;

四 海洋再生可能エネルギー発電設備整備促進区域における海洋再生可能エネルギー発電事業と漁業その他の海洋の多様な開発及び利用、海洋環境の保全並びに海洋の安全の確保との調和に関する基本的な事項

(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;

五 海洋再生可能エネルギー発電設備の設置及び維持管理に必要な人員及び物資の輸送に利用される港湾に関する基本的な事項

(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;

六 前各号に掲げるもののほか、海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進を図るために必要な事項

(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 基本方針は、海洋基本法第十六条第一項に規定する海洋基本計画との調和が保たれたものでなければならない。

(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 内閣総理大臣は、基本方針の案を作成し、閣議の決定を求めなければならない。

(4) The Prime Minister must prepare a draft basic policy and seek a cabinet decision.

5 内閣総理大臣は、前項の規定による閣議の決定があったときは、遅滞なく、これを公表しなければならない。

(5) When the cabinet decision under the provisions of the preceding paragraph is made, the Prime Minister must publicize it without delay.

6 前二項の規定は、基本方針の変更について準用する。

(6) The provisions of the preceding two paragraphs shall apply mutatis mutandis to changes of the basic policy.

### 第三章 海洋再生可能エネルギー発電設備整備促進区域

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

##### 第一節 海洋再生可能エネルギー発電設備整備促進区域の指定等

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

(海洋再生可能エネルギー発電設備整備促進区域の指定)

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

第八条 経済産業大臣及び国土交通大臣は、基本方針に基づき、我が国の領海及び内水の海域のうち一定の区域であつて次に掲げる基準に適合するものを、海洋再生可能エネルギー発電設備整備促進区域として指定することができる。

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.

一 海洋再生可能エネルギー発電事業の実施について気象、海象その他の自然的条件が適当であり、海洋再生可能エネルギー発電設備を設置すればその出力の量が相当程度に達すると見込まれること。

(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;

二 当該区域の規模及び状況からみて、当該区域及びその周辺における航路及び港湾の利用、保全及び管理に支障を及ぼすことなく、海洋再生可能エネルギー発電設備を適切に配置することが可能であると認められること。

(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;

三 海洋再生可能エネルギー発電設備の設置及び維持管理に必要な人員及び物資の輸送に関し当該区域と当該区域外の港湾とを一体的に利用することが可能であると認められること。

(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;

四 海洋再生可能エネルギー発電設備と電気事業者が維持し、及び運用する電線路との電氣的な接続が適切に確保されることが見込まれること。

(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;

五 海洋再生可能エネルギー発電事業の実施により、漁業に支障を及ぼさないことが見込まれること。

(v) that it is expected that the implementation of the marine renewable energy power generation project will not hinder fisheries;

六 漁港漁場整備法（昭和二十五年法律第三百三十七号）第六条第一項から第四項までの規定により市町村長、都道府県知事若しくは農林水産大臣が指定した漁港の区域、港湾法（昭和二十五年法律第二百十八号）第二条第三項に規定する港湾区域、同法

第五十六条第一項の規定により都道府県知事が公告した水域、海岸法（昭和三十一年法律第百一号）第三条の規定により指定された海岸保全区域、排他的経済水域及び大陸棚の保全及び利用の促進のための低潮線の保全及び拠点施設の整備等に関する法律（平成二十二年法律第四十一号）第二条第五項に規定する低潮線保全区域又は同法第九条第一項の規定により国土交通大臣が公告した水域と重複しないこと。

(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 経済産業大臣及び国土交通大臣は、前項の規定による指定をしようとするときは、あらかじめ、当該区域の状況を調査するものとする。

(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 経済産業大臣及び国土交通大臣は、第一項の規定による指定をしようとするときは、あらかじめ、経済産業省令・国土交通省令で定めるところにより、その旨を公告し、当該指定の案を、当該指定をしようとする理由を記載した書面を添えて、当該公告から二週間公衆の縦覧に供しなければならない。

(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 前項の規定による公告があったときは、利害関係者は、同項の縦覧期間満了の日までに、縦覧に供された指定の案について、経済産業大臣及び国土交通大臣に意見書を



提出することができる。

(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 経済産業大臣及び国土交通大臣は、第一項の規定による指定をしようとするときは、あらかじめ、前項の規定により提出された意見書の写しを添えて、農林水産大臣、環境大臣その他の関係行政機関の長に協議し、かつ、関係都道府県知事の意見を聴くとともに、当該指定をしようとする区域について次条第一項に規定する協議会が組織されているときは、当該協議会の意見を聴かなければならない。

(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 経済産業大臣及び国土交通大臣は、第一項の規定による指定をしたときは、遅滞なく、経済産業省令・国土交通省令で定めるところにより、その旨及び当該指定をした海洋再生可能エネルギー発電設備整備促進区域を公告しなければならない。

(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 経済産業大臣及び国土交通大臣は、海洋再生可能エネルギー発電設備整備促進区域の指定を受けた区域の全部又は一部が第一項の規定による指定の必要がなくなったと認めるとき又は同項各号のいずれかに適合しなくなったと認めるときは、当該海洋再生可能エネルギー発電設備整備促進区域の指定を解除し、又はその区域を変更することができる。この場合においては、第二項から前項までの規定を準用する。

(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.

(協議会)

(Council)

第九条 経済産業大臣、国土交通大臣及び関係都道府県知事は、海洋再生可能エネルギー発電設備整備促進区域の指定及び海洋再生可能エネルギー発電設備整備促進区域における海洋再生可能エネルギー発電事業の実施に関し必要な協議を行うための協議会（以下この条において「協議会」という。）を組織することができる。

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 協議会は、次に掲げる者をもって構成する。

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

一 経済産業大臣、国土交通大臣及び関係都道府県知事

(i) the Minister of Economy, Trade and Industry, the Minister of Land, Infrastructure, Transport and Tourism, and the relevant prefectural governors;

二 農林水産大臣及び関係市町村長

(ii) the Minister of Agriculture, Forestry and Fisheries and the mayors of the relevant municipalities;

三 関係漁業者の組織する団体その他の利害関係者、学識経験者その他の経済産業大臣、国土交通大臣及び関係都道府県知事が必要と認める者

(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 関係都道府県知事は、協議会が組織されていないときは、経済産業大臣及び国土交通大臣に対して、協議会を組織するよう要請することができる。

(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 前項の規定による要請を受けた経済産業大臣及び国土交通大臣は、正当な理由がある場合を除き、当該要請に応じなければならない。

(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 関係行政機関の長は、海洋再生可能エネルギー発電設備整備促進区域の指定及び海洋再生可能エネルギー発電設備整備促進区域における海洋再生可能エネルギー発電事業の実施に関し、協議会の構成員の求めに応じて、協議会に対し、必要な助言、資料の提供その他の協力を行うことができる。

(5) The heads of the relevant administrative organs may, at the request of members of the council, provide the council with necessary advise, 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 協議会において協議が調った事項については、協議会の構成員は、その協議の結果を尊重しなければならない。

(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 前各項に定めるもののほか、協議会の運営に関し必要な事項は、協議会が定める。

(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.

(促進区域内海域の占用等に係る許可)

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

第十条 海洋再生可能エネルギー発電設備整備促進区域内の海域（政令で定めるその上空及び海底の区域を含む。以下「促進区域内海域」という。）において、次の各号のいずれかに該当する行為をしようとする者は、国土交通省令で定めるところにより、国土交通大臣の許可を受けなければならない。ただし、促進区域内海域の利用又は保全に支障を及ぼすおそれがないものとして政令で定める行為については、この限りでない。

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.

一 促進区域内海域の占有

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

二 土砂の採取

(ii) collection of earth and sand;

三 施設又は工作物の新設又は改築（第一号の占有を伴うものを除く。）

(iii) installation of new facilities or structures or reconstruction of the existing facilities or structures (excluding those involving the occupancy under item (i));

四 前三号に掲げるもののほか、促進区域内海域の利用又は保全に支障を与えるおそれのある政令で定める行為

(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 国土交通大臣は、前項の行為が促進区域内海域の利用若しくは保全又は周辺港湾の機能の維持に著しく支障を与えるものであるときは、許可をしてはならない。

(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 国又は地方公共団体が第一項の行為をしようとする場合には、同項中「国土交通大臣の許可を受けなければ」とあるのは「国土交通大臣と協議しなければ」と、前項中「許可をしては」とあるのは「協議に応じては」とする。

(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 第一項の許可に係る同項第一号の促進区域内海域の占有の期間は、三十年を超えない範囲内において政令で定める期間を超えることができない。これを更新するときの期間についても、同様とする。

(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 国土交通大臣は、第一項の許可には、促進区域内海域の利用若しくは保全又は周辺港湾の機能の維持に必要な限度において、条件を付することができる。この場合において、その条件は、許可を受けた者に対し、不当な義務を課することとなるものであ

ってはならない。

(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 国土交通大臣は、国土交通省令で定めるところにより、第一項第一号又は第二号の行為に係る同項の許可を受けた者から占用料又は土砂採取料を徴収することができる。

(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 国土交通大臣は、国土交通省令で定めるところにより、偽りその他不正の行為により前項の占用料又は土砂採取料の徴収を免れた者から、その徴収を免れた金額の五倍に相当する金額以下の過怠金を徴収することができる。

(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.

(経過措置)

(Transitional Measures)

第十一条 海洋再生可能エネルギー発電設備整備促進区域の指定の際現に権原に基づき、前条第一項の許可を要する行為を行っている者又は同項の規定によりその設置について許可を要する施設若しくは工作物を設置している者は、従前と同様の条件により、当該行為又は施設若しくは工作物の設置について同項の許可を受けたものとみなす。同項ただし書若しくは第四号の政令又はこれを改廃する政令の施行の際現に権原に基づき、当該政令の施行に伴い新たに許可を要することとなる行為を行い、又は施設若しくは工作物を設置している者についても、同様とする。

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.

(促進区域内海域における禁止行為)

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

第十二条 何人も、促進区域内海域において、みだりに、船舶、土石その他の物件で国土交通省令で定めるものを捨て、又は放置してはならない。

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.

## 第二節 公募占用計画の認定等

### Section 2 Certification of Public Tender of Occupancy Plan

(海洋再生可能エネルギー発電設備の公募占用指針等)

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

第十三条 経済産業大臣及び国土交通大臣は、海洋再生可能エネルギー発電設備整備促進区域を指定したときは、促進区域内海域において海洋再生可能エネルギー発電設備の整備を行うことにより海洋再生可能エネルギー発電事業を行うべき者を公募により選定するために、基本方針に即して、公募の実施及び海洋再生可能エネルギー発電設備の整備のための促進区域内海域の占用に関する指針（以下「公募占用指針」という。）を定めなければならない。

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 公募占用指針には、次に掲げる事項を定めなければならない。

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

of occupancy:

一 公募の対象とする海洋再生可能エネルギー発電設備に係る再生可能エネルギー電気特別措置法第三条第一項に規定する再生可能エネルギー発電設備の区分等（第九号及び第四項において「対象発電設備区分等」という。）

(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;

二 当該海洋再生可能エネルギー発電設備のための促進区域内海域の占有の区域

(ii) occupancy zones of the sea areas within the promotion zones for the relevant marine renewable energy power generation facilities;

三 当該海洋再生可能エネルギー発電設備のための促進区域内海域の占有の開始の時期

(iii) timing of commencement of occupancy of the sea areas within the promotion zones for the relevant marine renewable energy power generation facilities;

四 当該海洋再生可能エネルギー発電設備の出力の量の基準

(iv) criteria for power output of the relevant marine renewable energy power generation facilities;

五 公募の参加者の資格に関する基準

(v) criteria for qualifications of public tender participants;

六 公募の参加者が提供すべき保証金の額並びにその提供の方法及び期限その他保証金に関する事項

(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;

七 供給価格（当該海洋再生可能エネルギー発電設備を用いて供給することができる海洋再生可能エネルギー電気の一キロワット時当たりの価格をいう。次条第二項第九号及び第十五条第一項第一号において同じ。）の額の上限額（第六項及び同号において「供給価格上限額」という。）

(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");

八 公募に基づく再生可能エネルギー電気特別措置法第三条第一項に規定する調達価格（第十六条において単に「調達価格」という。）の額の決定の方法

- (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");
- 九 対象発電設備区分等に係る再生可能エネルギー電気特別措置法第三条第一項に規定する調達期間（第十六条において単に「調達期間」という。）
- (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");
- 十 選定事業者（促進区域内海域において海洋再生可能エネルギー発電設備の整備を行うことにより海洋再生可能エネルギー発電事業を行うべき者として公募により選定された者をいう。以下同じ。）における再生可能エネルギー電気特別措置法第九条第一項の規定による認定の申請の期限
- (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);
- 十一 当該海洋再生可能エネルギー発電設備の設置及び維持管理に必要な人員及び物資の輸送に関し第二号に掲げる区域と一体的に利用される港湾に関する事項
- (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;
- 十二 促進区域内海域の占有の期間が満了した場合その他の事由により促進区域内海域の占有をしないこととなった場合における当該海洋再生可能エネルギー発電設備の撤去に関する事項
- (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;
- 十三 第十七条第一項の認定の有効期間
- (xiii) validity period of the certification under Article 17, paragraph (1);
- 十四 海洋再生可能エネルギー発電事業を行う者と関係行政機関の長、関係都道府県知事及び関係市町村長との調整に関する事項
- (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;

十五 選定事業者を選定するための評価の基準

(xv) assessment criteria for selecting appointed business operators;

十六 前各号に掲げるもののほか、公募の実施に関する事項その他必要な事項

(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 前項第十三号の有効期間は、三十年を超えないものとする。

(3) The validity period under item (xiii) of the immediately preceding paragraph shall not exceed thirty years.

4 経済産業大臣は、対象発電設備区分等又は第二項第四号から第十号までに掲げる事項を定めようとするときは、あらかじめ、調達価格等算定委員会の意見を聴かなければならない。この場合において、経済産業大臣は、調達価格等算定委員会の意見を尊重するものとする。

(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 経済産業大臣及び国土交通大臣は、第二項第十五号の評価の基準を定めようとするときは、経済産業省令・国土交通省令で定めるところにより、あらかじめ、関係都道府県知事及び学識経験者の意見を聴かなければならない。

(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 経済産業大臣及び国土交通大臣は、公募占用指針を定めたときは、遅滞なく、これを公示しなければならない。ただし、公募占用指針のうち供給価格上限額については、公募の効果的な実施のため必要があると認めるときは、公示しないことができる。

(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 前三項の規定は、公募占用指針の変更について準用する。

(7) The provisions of the immediately preceding three paragraphs shall apply

mutatis mutandis to changes to the guidelines for public tender of occupancy.

- 8 第一項の場合における再生可能エネルギー電気特別措置法の規定の適用については、再生可能エネルギー電気特別措置法第三条第一項中「したもの」とあるのは「したもの及び海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する法律（平成三十年法律第89号。以下「促進法」という。）第十三条第一項に規定する公募占用指針において定められたもの」と、再生可能エネルギー電気特別措置法第九条第三項第五号中「再生可能エネルギー発電設備の区分等」とあるのは「再生可能エネルギー発電設備の区分等又は促進法第十三条第一項に規定する公募占用指針において定められた同条第二項第一号に規定する対象発電設備区分等」と、同号イ中「第五条第二項第八号」とあるのは「第五条第二項第八号又は促進法第十三条第二項第十号」と、同号ロ中「こと」とあるのは「こと又は申請に係る再生可能エネルギー発電事業計画が促進法第十四条第一項に規定する公募占用計画と整合的であること」と、同号ハ中「第七条第七項」とあるのは「第七条第七項又は促進法第十五条第六項」と、再生可能エネルギー電気特別措置法第六十七条第二項中「この法律」とあるのは「この法律又は促進法」とするほか、必要な技術的読替えは、政令で定める。

- (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.

(公募占用計画の提出)

(Submission of a public tender of the occupancy plan)

第十四条 公募に応じて選定事業者となろうとする者は、経済産業省令・国土交通省令で定めるところにより、その設置しようとする海洋再生可能エネルギー発電設備のための促進区域内海域の占用に関する計画（以下「公募占用計画」という。）を作成し、経済産業大臣及び国土交通大臣に提出しなければならない。

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 公募占用計画には、次に掲げる事項を記載しなければならない。

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

一 促進区域内海域の占用の区域

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

二 促進区域内海域の占用の期間

(ii) occupancy period of the sea areas within the promotion zones;

三 海洋再生可能エネルギー発電事業の内容及び実施時期

(iii) details and implementation period of the marine renewable energy power generation project;

四 設置しようとする海洋再生可能エネルギー発電設備に係る再生可能エネルギー電気特別措置法第三条第一項に規定する再生可能エネルギー発電設備の区分等

(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;

五 当該海洋再生可能エネルギー発電設備の構造

(v) structures of the relevant marine renewable energy power generation facilities;

六 工事実施の方法

(vi) methods of implementation of construction works;

七 工事の時期

(vii) timing of construction works;

八 当該海洋再生可能エネルギー発電設備の出力

- (viii) power output of the relevant marine renewable energy power generation facilities;
- 九 供給価格
- (ix) supply price;
- 十 当該海洋再生可能エネルギー発電設備の維持管理の方法
- (x) methods of maintenance and management of the relevant marine renewable energy power generation facilities;
- 十一 当該海洋再生可能エネルギー発電設備の設置及び維持管理に必要な人員及び物資の輸送に関し第一号に掲げる区域と一体的に利用する港湾に関する事項
- (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;
- 十二 促進区域内海域の占有の期間が満了した場合その他の事由により促進区域内海域の占有をしないこととなった場合における当該海洋再生可能エネルギー発電設備の撤去の方法
- (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;
- 十三 前条第二項第十四号に規定する調整を行うための体制及び能力に関する事項
- (xiii) matters concerning the framework and capacities to make the coordination specified in paragraph (2), item (xiv) of the immediately preceding Article;
- 十四 資金計画及び収支計画
- (xiv) financial plan, and earnings and expenditure plan;
- 十五 その他経済産業省令・国土交通省令で定める事項
- (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 公募占有計画には、前項各号に掲げる事項のほか、海洋再生可能エネルギー発電事業の実施に係る次に掲げる事項を記載することができる。
- (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:
- 一 港湾法第三十七条第一項の許可を要する行為に関する事項
- (i) matters concerning the acts for which the permission under Article 37, paragraph (1) of the Port and Harbor Act is required;
- 二 港湾法第三十八条の二第一項又は第四項の規定による届出を要する行為に関する事項

(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 公募占用計画の提出は、経済産業大臣及び国土交通大臣が公示する一月を下らない期間内に行わなければならない。

(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.

(選定事業者の選定)

(Selection of an Appointed Business Operator)

第十五条 経済産業大臣及び国土交通大臣は、前条第一項の規定により公募に応じて選定事業者となろうとする者から公募占用計画が提出されたときは、当該公募占用計画が次に掲げる基準に適合しているかどうかを審査しなければならない。

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:

一 供給価格が供給価格上限額以下であることその他当該公募占用計画が公募占用指針に照らし適切なものであること。

(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;

二 当該公募占用計画に係る促進区域内海域の占用が第十条第二項の許可をしてはならない場合に該当しないものであること。

(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);

三 当該公募占用計画に係る海洋再生可能エネルギー発電設備及びその維持管理の方法が経済産業省令・国土交通省令で定める基準に適合すること。

(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;

四 当該公募占用計画を提出した者が不正又は不誠実な行為をするおそれが明らかな者でないこと。

(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 経済産業大臣及び国土交通大臣は、前項の規定により審査した結果、公募占用計画が同項各号に掲げる基準に適合していると認められるときは、第十三条第二項第十五号の評価の基準に従って、その適合していると認められた全ての公募占用計画について評価を行うものとする。

(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 経済産業大臣及び国土交通大臣は、前項の評価に従い、海洋再生可能エネルギー発電事業の長期的、安定的かつ効率的な実施を可能とするために最も適切であると認められる公募占用計画を提出した者を選定事業者として選定するものとする。

(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 経済産業大臣及び国土交通大臣は、前項の規定により選定事業者を選定しようとするときは、経済産業省令・国土交通省令で定めるところにより、あらかじめ、学識経験者の意見を聴かなければならない。

(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 国土交通大臣は、第三項の規定により選定事業者を選定しようとする場合において、選定しようとする者から提出された公募占用計画に前条第三項各号に掲げる事項が記載されているときは、あらかじめ、当該事項について港湾管理者（港湾法第二条第一項に規定する港湾管理者をいう。）に協議し、前条第三項第一号に掲げる事項については、その同意を得なければならない。

(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 経済産業大臣及び国土交通大臣は、第三項の規定により選定事業者を選定したときは、その者にその旨を通知しなければならない。

(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.

(選定事業者における調達価格及び調達期間)

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

第十六条 経済産業大臣は、公募占用指針に従い、公募の結果を踏まえ、選定事業者における海洋再生可能エネルギー発電設備に係る調達価格及び調達期間を定め、これを告示しなければならない。この場合においては、再生可能エネルギー電気特別措置法第八条第二項の規定を準用する。

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.

(公募占用計画の認定)

(Certification of the Public Tender of the Occupancy Plan)

第十七条 経済産業大臣及び国土交通大臣は、選定事業者が提出した公募占用計画について、促進区域内海域の占用の区域及び占用の期間を指定して、当該公募占用計画が適当である旨の認定をするものとする。

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 経済産業大臣及び国土交通大臣は、前項の認定をしたときは、経済産業省令・国土交通省令で定めるところにより、当該認定を受けた公募占用計画の概要、当該認定をした日及び当該認定の有効期間並びに同項の規定により指定した促進区域内海域の占用の区域及び占用の期間を公示しなければならない。

(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.

(公募占用計画の変更等)

(Changes to the Public Tender of the Occupancy Plan)

第十八条 前条第一項の認定を受けた選定事業者は、当該認定を受けた公募占用計画を変更しようとする場合においては、経済産業大臣及び国土交通大臣の認定を受けなければならない。ただし、経済産業省令・国土交通省令で定める軽微な変更については、この限りでない。

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 経済産業大臣及び国土交通大臣は、前項の規定による変更の認定の申請があったときは、次に掲げる基準に適合すると認める場合に限り、その認定をするものとする。

(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:

一 変更後の公募占用計画が第十五条第一項第一号から第三号までに掲げる基準を満たしていること。

(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);

二 当該公募占用計画の変更をすることについて、公共の利益の一層の増進に寄与するものであると見込まれること又はやむを得ない事情があること。

(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 第十五条第五項及び前条第二項の規定は、第一項の規定による変更の認定について



準用する。

(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 前条第一項の認定を受けた選定事業者は、第一項ただし書の経済産業省令・国土交通省令で定める軽微な変更をしたときは、遅滞なく、その旨を経済産業大臣及び国土交通大臣に届け出なければならない。

(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.

(促進区域内海域における海洋再生可能エネルギー発電設備に係る占用の許可等)  
(Permission for the Occupancy of the Marine Renewable Energy Power Generation Facilities in the Sea Areas within the Promotion Zones)

第十九条 選定事業者は、第十七条第一項の認定（前条第一項の規定による変更の認定を含む。以下「公募占用計画の認定」という。）を受けたときは、公募占用計画の認定を受けた公募占用計画（変更があったときは、その変更後のもの。以下「認定公募占用計画」という。）に従って海洋再生可能エネルギー発電設備の設置及び維持管理をしなければならない。

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 国土交通大臣は、選定事業者から認定公募占用計画に基づき第十条第一項の許可（同項第一号に係るものに限る。次項及び第二十一条第三項において同じ。）の申請があった場合においては、当該許可を与えなければならない。

(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 公募占用計画の認定がされた場合においては、選定事業者以外の者は、第十七条第二項（前条第三項において準用する場合を含む。以下この項において同じ。）の占用の期間内は、第十七条第二項の促進区域内海域の占用の区域については、第十条第一項の許可の申請をすることができない。

(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).

（地位の承継）

(Succession to the Status)

第二十条 次に掲げる者は、経済産業大臣及び国土交通大臣の承認を受けて、選定事業者が有していた公募占用計画の認定に基づく地位を承継することができる。

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:

一 選定事業者の一般承継人

(i) general successor of the appointed business operator;

二 選定事業者から、認定公募占用計画に基づき設置及び維持管理が行われ、又は行われた海洋再生可能エネルギー発電設備の所有権その他当該海洋再生可能エネルギー発電設備の設置及び維持管理に必要な権原を取得した者

(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.

（公募占用計画の認定の取消し）

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

第二十一条 経済産業大臣及び国土交通大臣は、次に掲げる場合には、公募占用計画の認定を取り消すことができる。

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:

一 選定事業者が第十九条第一項の規定に違反したとき。

- (i) when the appointed business operator breaches the provisions of Article 19, paragraph (1);
- 二 選定事業者が偽りその他不正な手段により公募占用計画の認定を受けたことが判明したとき。
- (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 経済産業大臣及び国土交通大臣は、前項の規定により公募占用計画の認定を取り消したときは、その旨を公示しなければならない。
- (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 第一項の規定により公募占用計画の認定が取り消されたときは、当該公募占用計画の認定に係る認定公募占用計画に基づき与えられた第十条第一項の許可は、その効力を失う。
- (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.

(港湾法の特例)

(Special Provisions on the Port and Harbor Act)

第二十二條 第十四條第三項第一号に掲げる事項が定められた公募占用計画が第十七條第一項又は第十八條第一項の規定により認定されたときは、当該認定の日に当該事項に係る選定事業者に対する港湾法第三十七條第一項の許可があったものとみなす。

- 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 第十四條第三項第二号に掲げる事項が定められた公募占用計画が第十七條第一項又は第十八條第一項の規定により認定されたときは、港湾法第三十八條の二第一項又は第四項の規定による届出があったものとみなす。
- (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.

### 第三節 監督等

#### Section 3 Supervision

(非常災害時における緊急措置等)

(Emergency Measures in Case of an Extraordinary Disaster)

第二十三条 国土交通大臣は、非常災害が発生し、船舶の交通に支障が生じている場合において、緊急輸送の用に供する船舶の交通を確保するためやむを得ない必要があるときは、促進区域内海域において、海洋再生可能エネルギー発電設備又は船舶、船舶用品その他の物件を使用し、収用し、又は処分することができる。

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 国土交通大臣は、前項の規定による行為により損失を受けた者に対し、その損失を補償しなければならない。

(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 第一項の規定による行為によって生じた損失に対しては、国土交通大臣は、当該海洋再生可能エネルギー発電設備又は船舶、船舶用品その他の物件の所有者又は占有者に対し、その行為がなかったならば通常生じなかった損失及び通常得られる利益が得られなかったことによる損失を補償しなければならない。

(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 前項の規定により補償を受けることのできる者が金額の決定について不服があるときは、その金額の決定の通知を受けた日から六月以内に、国土交通大臣を被告として、訴えをもって金額の増加を請求することができる。

(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.

(監督処分)

(Supervisory Disposition)

第二十四条 国土交通大臣は、次に掲げる者に対し、工事その他の行為の中止、工作物若しくは船舶その他の物件（以下この条において「工作物等」という。）の撤去、移転若しくは改築、工事その他の行為若しくは工作物等により生じた若しくは生ずべき障害を除去し、若しくは予防するため必要な施設の設置その他の措置をとること又は原状の回復（第三項及び第九項において「工作物等の撤去等」という。）を命ずることができる。

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."):

一 第十条第一項の規定に違反して、同項各号に掲げる行為をした者

(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;

二 第十条第一項の許可に付した条件に違反した者

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

三 偽りその他不正な手段により第十条第一項の許可を受けた者

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

四 第十二条の規定に違反した者

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

2 国土交通大臣は、前項第二号又は第三号に該当する者に対し、第十条第一項の許可を取り消し、その効力を停止し、その条件を変更し、又は新たな条件を付することができる。

(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 第一項の規定により工作物等の撤去等を命じようとする場合において、過失がなくて当該工作物等の撤去等を命ずべき者を確知することができないときは、国土交通大臣は、当該工作物等の撤去等を自ら行い、又はその命じた者若しくは委任した者にこれを行わせることができる。この場合においては、相当の期限を定めて、当該工作物等の撤去等を行うべき旨及びその期限までに当該工作物等の撤去等を行わないときは、国土交通大臣又はその命じた者若しくは委任した者が当該工作物等の撤去等を行う旨

を、あらかじめ、公告しなければならない。

(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 国土交通大臣は、前項の規定により工作物等を撤去し、又は撤去させたときは、当該工作物等を保管しなければならない。

(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 国土交通大臣は、前項の規定により工作物等を保管したときは、当該工作物等の所有者、占有者その他当該工作物等について権原を有する者（第九項において「所有者等」という。）に対し当該工作物等を返還するため、国土交通省令で定めるところにより、国土交通省令で定める事項を公示しなければならない。

(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 国土交通大臣は、第四項の規定により保管した工作物等が滅失し、若しくは破損するおそれがあるとき、又は前項の規定による公示の日から起算して三月を経過してもなお当該工作物等を返還することができない場合において、国土交通省令で定めるところにより評価した当該工作物等の価額に比し、その保管に不相当な費用又は手数を要するときは、国土交通省令で定めるところにより、当該工作物等を売却し、その売却した代金を保管することができる。

(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 国土交通大臣は、前項の規定による工作物等の売却につき買受人がない場合において、同項の価額が著しく低いときは、当該工作物等を廃棄することができる。

(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 第六項の規定により売却した代金は、売却に要した費用に充てることができる。

(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 第三項から第六項までに規定する撤去、保管、売却、公示その他の措置に要した費用は、当該工作物等の返還を受けるべき所有者等その他当該工作物等の撤去等を命ずべき者の負担とする。

(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 第五項の規定による公示の日から起算して六月を経過してもなお第四項の規定により保管した工作物等（第六項の規定により売却した代金を含む。以下この項において同じ。）を返還することができないときは、当該工作物等の所有権は、国に帰属する。

(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.

(報告の徴収等)

(Request for Report)

第二十五条 国土交通大臣は、この法律の施行に必要な限度において、国土交通省令で定めるところにより、第十条第一項の許可を受けた者（選定事業者を除く。）に対し

必要な報告を求め、又はその職員に、当該許可に係る行為に係る場所若しくは当該許可を受けた者の事務所若しくは事業所に立ち入り、当該許可に係る行為の状況若しくは工作物、帳簿、書類その他必要な物件を検査させることができる。

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 経済産業大臣及び国土交通大臣は、この法律の施行に必要な限度において、経済産業省令・国土交通省令で定めるところにより、選定事業者に対し必要な報告を求め、又はその職員に、海洋再生可能エネルギー発電設備を整備する場所若しくは当該選定事業者の事務所若しくは事業所に立ち入り、海洋再生可能エネルギー発電設備、帳簿、書類その他必要な物件を検査させることができる。

(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 前二項の規定による立入検査をする職員は、その身分を示す証明書を携帯し、関係人にこれを提示しなければならない。

(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 第一項及び第二項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(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.

(強制徴収)

(Compulsory Collection)



第二十六条 第十条第六項の規定に基づく占用料若しくは土砂採取料又は第二十四条第九項の規定に基づく負担金（第三項及び第四項において「負担金等」と総称する。）をその納期限までに納付しない者がある場合においては、国土交通大臣は、督促状によって納付すべき期限を指定して督促しなければならない。この場合において、督促状により指定すべき期限は、督促状を発する日から起算して二十日以上経過した日でなければならない。

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 国土交通大臣は、前項の規定による督促をした場合においては、国土交通省令で定めるところにより、延滞金を徴収することができる。この場合において、延滞金は、年十四・五パーセントの割合で計算した額を超えない範囲内で定めなければならない。

(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 第一項の規定による督促を受けた者がその指定の期限までにその納付すべき金額を納付しないときは、国土交通大臣は、国税滞納処分の例により負担金等及び前項の延滞金を徴収することができる。この場合における負担金等及び延滞金の先取特権は、国税及び地方税に次ぐものとする。

(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 延滞金は、負担金等に先立つものとする。

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

#### 第四章雑則

#### Chapter IV Miscellaneous Provisions

(情報の提供)

**(Provision of Information)**

第二十七条 国土交通大臣は、海洋再生可能エネルギー発電設備の整備に係る海域の利用を促進するため、海洋再生可能エネルギー発電事業を行う者に対し、海洋再生可能エネルギー発電設備の設置及び維持管理に必要な人員及び物資の輸送に利用することができる港湾に関する情報を提供するものとする。

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.

(命令への委任)

**(Delegation of Orders)**

第二十八条 この法律に定めるもののほか、この法律の実施に関し必要な事項は、命令で定める。

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.

(経過措置)

**(Transitional Measures)**

第二十九条 この法律の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

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.

(権限の委任)

**(Delegation of Authority)**

第三十条 この法律に規定する経済産業大臣又は国土交通大臣の権限は、政令で定めるところにより、その一部を地方支分部局の長に委任することができる。

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.

## 第五章罰則

### Chapter V Penal Provisions

第三十一条 国の職員が、第十七条第一項の認定に関し、その職務に反し、当該認定を受けようとする者に談合を唆すこと、当該認定を受けようとする者に当該認定に係る公募（以下「占用公募」という。）に関する秘密を教示すること又はその他の方法により、当該占用公募の公正を害すべき行為を行ったときは、五年以下の懲役又は二百五十万円以下の罰金に処する。

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.

第三十二条 偽計又は威力を用いて、占用公募の公正を害すべき行為をした者は、三年以下の懲役若しくは二百五十万円以下の罰金に処し、又はこれを併科する。

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 占用公募につき、公正な価額を害し又は不正な利益を得る目的で、談合した者も、前項と同様とする。

(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.

第三十三条 次の各号のいずれかに該当する者は、一年以下の懲役又は五十万円以下の罰金に処する。

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:

一 第十条第一項の規定に違反して、同項各号に掲げる行為をした者

(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;

二 第十二条の規定に違反した者

(ii) a person who has violated the provisions of Article 12.

第三十四条 第二十四条第一項の規定による国土交通大臣の命令に違反した者は、五十万円以下の罰金に処する。

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.

第三十五条 第二十五条第一項又は第二項の規定による報告をせず、若しくは虚偽の報告をし、又はこれらの規定による検査を拒み、妨げ、若しくは忌避した者は、三十万円以下の罰金に処する。

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.

第三十六条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関し、第三十二条から前条までの違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、各本条の罰金刑を科する。

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.

## 附 則

### Supplementary Provisions

(施行期日)

(Validity Date)

第一条 この法律は、公布の日から起算して四月を超えない範囲内において政令で定める日から施行する。

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.

(公募占用指針の公示に関する経過措置)

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

第二条 第十三条第六項ただし書（同条第七項において準用する場合を含む。）の規定は、公布の日から起算して二年を超えない範囲内において政令で定める日までの間は、適用しない。

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.

(検討)

(Examination)

第三条 政府は、この法律の施行後五年を経過した場合において、この法律の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

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.

(港湾法の一部改正)

(Partial Amendment of the Port and Harbor Act)

第四条 港湾法の一部を次のように改正する。

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

第五十六条の三第一項中「港湾区域並びに」を「港湾区域、」に改め、「いる水域」の下に「並びに海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する法律（平成三十年法律第89号）第二条第五項に規定する海洋再生可能エネルギー発電設備整備促進区域」を加える。

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. 89 of 2018)" shall be added following "areas of water ...".

(水産資源保護法の一部改正)

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

第五条 水産資源保護法（昭和二十六年法律第三百十三号）の一部を次のように改正する。

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

第十八条第一項中「水域若しくは」を「水域、」に、「水域（」を「水域若しくは海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する法律（平成三十年法律第89号）第二条第五項（海洋再生可能エネルギー発電設備整備促進区域の定義）に規定する海洋再生可能エネルギー発電設備整備促進区域（」に改め、同条第五項中「定の」を「定め」に、「行い、若しくは」を「行い、」に、「応じよう」を「応じ、若しくは国土交通大臣が海洋再生可能エネルギー発電設備の整備に係

る海域の利用の促進に関する法律第十条第一項（促進区域内海域の占用等に係る許可）の規定による許可をし、若しくは同条第三項（促進区域内海域の国等の工事についての特例）の規定により読み替えられた同条第一項の規定による協議に応じよう」に改める。

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. 89 of 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)."

（罰則に関する経過措置）

(Transitional Measures Concerning the Penal Provisions)

第六条 この法律の施行前にした附則第四条の規定による改正前の港湾法の規定に違反する行為及びこの法律の施行前にした前条の規定による改正前の水産資源保護法の規定に違反する行為に対する罰則の適用については、なお従前の例による。

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.

（自衛隊法の一部改正）

(Partial Amendment of the Self-Defense Forces Act)

第七条 自衛隊法（昭和二十九年法律第百六十五号）の一部を次のように改正する。

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

amended as follows:

第百十五條の二第三項中「第百十五條の二十四」を「第百十五條の二十五」に改める。

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

第百十五條の二十四の次に次の一條を加える。

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

(海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する法律の特例)

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

第百十五條の二十五 第七十六條第一項（第一号に係る部分に限る。）の規定により出動を命ぜられ、又は第七十七條の二の規定による措置を命ぜられた自衛隊の部隊等が海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する法律（平成三十年法律第89号）第十條第一項の規定により許可を要する行為をしようとする場合における同條第三項の規定の適用については、撤収を命ぜられ、又は第七十七條の二の規定による命令が解除されるまでの間は、同項中「国土交通大臣の許可を受けなければ」とあるのは「国土交通大臣と協議しなければ」と、前項中「許可をしては」とあるのは「協議に応じては」とあるのは、「国土交通省令で定めるところにより、国土交通大臣の許可を受けなければ」とあるのは、「あらかじめ、その旨を国土交通大臣に通知しなければ」とする。

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 前項の規定により読み替えられた海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する法律第十条第三項の規定により読み替えられた同条第一項の規定による通知を受けた国土交通大臣は、同項に規定する促進区域内海域の利用又は保全上必要があると認めるときは、当該通知に係る部隊等の長に対し意見を述べることができる。

(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.

(海洋水産資源開発促進法の一部改正)

(Partial Amendment of the Marine Resources Development Promotion Act)

第八条 海洋水産資源開発促進法（昭和四十六年法律第六十号）の一部を次のように改正する。

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

第五条第二項中「）又は」を「）、」に、「について」を「又は海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する法律（平成三十年法律第89号）第二条第五項に規定する海洋再生可能エネルギー発電設備整備促進区域（農林水産大臣が経済産業大臣及び国土交通大臣と協議して指定するものを除く。）について」に、「又は国土交通大臣」を「、国土交通大臣又は経済産業大臣及び国土交通大臣」に改める。

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."