

Act on Development of Marine Renewable Energy Power Generation Facilities

(Act No. 89 of 2018)

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Chapter I General Provisions

(Purpose)

Article 1 In view of the fact that it is important to carry out a marine renewable energy power generation project in a long-term, stable, and efficient manner, the purpose of this Act is to take measures such as designating the promotion zones for the development of marine renewable energy power generation facilities and establishing a certification system for the plan for the exclusive occupancy and use,

etc. of the sea areas within the promotion zones for the development of marine renewable energy power generation facilities, by appropriately exercising the rights specified by the United Nations Convention on the Law of the Sea, and in order to promote the utilization of the sea areas for the development of marine renewable energy power generation facilities, while maintaining harmony with the measures concerning the oceans prescribed in the Basic Act on Ocean Policy (Act No. 33 of 2007), and to prescribe the permission, etc. for the installation of marine renewable energy power generation facilities in the exclusive economic zones in order to ensure the proper use of marine renewable energy sources in the exclusive economic zones, thereby contributing to the sound development of the economy and society of Japan and to the stabilization and improvement of the lives of the citizenry.

(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" means the facilities to convert marine renewable energy sources to electricity in the sea areas and their attached facilities that are equipped with mooring facilities for vessels.

(3) The term "marine renewable energy sources" as used in this Act means the renewable energy sources prescribed in Article 2, paragraph (3) of the Act on Special Measures Concerning the Promotion of Use of Electricity from Renewable Energy Sources (Act No. 108 of 2011; referred to below as the "Act on Special Measures Concerning Electricity from Renewable Energy Sources") that are specified by Cabinet Order as those that can be used as energy sources for electricity in sea areas, such as wind power in sea areas.

(4) The term "marine renewable energy power generation business" as used in this Act means the business of supplying marine renewable energy electricity generated by using the marine renewable energy power generation facilities maintained and operated by the business operator themselves through market transactions, etc. prescribed in Article 2-2, paragraph (1) of the Renewable Energy Electricity Special Measures Act, or supplying to the electricity utility (meaning the general electricity transmission and distribution utility prescribed in Article 2, paragraph (1), item (ix) of the Electricity Business Act (Act No. 170 of 1964), the electricity distribution utility prescribed in item (xi)-3 of the paragraph, and the specified electricity transmission and distribution utility prescribed in item (xiii) of the paragraph; the same applies below) under the specified contract prescribed in Article 2, paragraph (5) of the Renewable Energy Electricity Special Measures Act.

(5) The term "promotion zones for the development of marine renewable energy power generation facilities" as used in this Act means zones designated pursuant to the provisions of Article 10, paragraph (1) as zones for promoting the development

of marine renewable energy power generation facilities in the sea areas within territorial waters and inland waters of Japan.

(6) The term "exclusive economic zone" as used in this Act means the exclusive economic zone stated in Article 1, paragraph (1) of the Act on the Exclusive Economic Zone and the Continental Shelf (Act No. 74 of 1996).

(7) The term "solicitation zone for the installation of marine renewable energy power generation facilities" as used in this Act means an area designated pursuant to the provisions of Article 32, paragraph (1) as an area for inviting applicants to install marine renewable energy power generation facilities in the exclusive economic zone.

(Basic Principles)

Article 3 The development of marine renewable energy power generation facilities must be carried out under the close cooperation of the national government, persons operating the marine renewable energy power generation business, and other relevant persons, with the aim of realizing the sustainable development and use of the oceans, while maintaining harmony with the conservation of the marine environment, the security of the oceans, and other measures with regard to the oceans.

(Responsibilities of the National Government)

Article 4 (1) The national government is responsible for comprehensively formulating and implementing measures for the development of marine renewable energy power generation facilities in accordance with the basic principles prescribed in the preceding Article (referred to below as the "basic principles").

(2) The national government must endeavor to collect and provide information necessary for the development of the marine renewable energy power generation facilities and provide other support to persons operating the marine renewable energy power generation business.

(3) The national government must endeavor to deepen public understanding of the development of marine renewable energy power generation facilities through education, publicity, and other activities.

(Responsibilities of Persons Operating the Marine Renewable Energy Power Generation Business)

Article 5 In accordance with the Basic Principles, in the course of their business activities, a person operating the marine renewable energy power generation business must give consideration to harmony with fisheries and other diversified development and use of the oceans, conservation of the marine environment, and securing the safety of the oceans, and endeavor to cooperate with the measures implemented by the national government for the development of marine renewable energy power generation facilities.

Chapter II Basic Policy

Article 6 (1) In accordance with the basic principles, the government must establish the basic policy for the comprehensive and systematic promotion of measures for the development of marine renewable energy power generation facilities (referred to below as the "basic policy").

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

(i) matters concerning the significance and goals of the development of marine renewable energy power generation facilities;

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

(iii) basic matters concerning the designation of the promotion zones for the installation of marine renewable energy power generation facilities and the solicitation zone for the installation of marine renewable energy power generation facilities;

(iv) basic matters concerning the harmonization of the marine renewable energy power generation business in the promotion zones for the development of marine renewable energy power generation facilities and the solicitation zones for the installation of marine renewable energy power generation facilities with the fisheries and other diversified development and use of the oceans, the conservation of the marine environment and 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 the installation, maintenance, and management of marine renewable energy power generation facilities; and

(vi) in addition to what is stated in the preceding items, matters necessary for the development of the 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 preceding paragraph is made, the Prime Minister must publicize it without delay.

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

Chapter III Installation of Marine Renewable Energy Power Generation Facilities in Territorial Waters and Inland Waters

Section 1 General Provisions

(Responsibilities of the Relevant Local Governments)

Article 7 In accordance with the basic principles, a relevant local government must endeavor to cooperate with the measures of the national government prescribed in Article 4 and promote measures concerning the promotion of the utilization of the territorial waters and inland waters of Japan for the development of marine renewable energy power generation facilities.

(Responsibilities of Persons Operating Marine Renewable Energy Power Generation Businesses)

Article 8 In addition to what is provided for in Article 5, a person operating a marine renewable energy power generation business must endeavor to cooperate with the measures concerning the promotion of the utilization of the territorial waters and inland waters of Japan relating to the development of marine renewable energy power generation facilities implemented by the relevant local governments.

(Cooperation of Relevant Persons)

Article 9 The national government, relevant local governments, a person operating the marine renewable energy power generation business, and other relevant persons must endeavor to coordinate and cooperate with each other so that the utilization of the territorial waters and inland waters of Japan relating to the development of marine renewable energy power generation facilities is promoted.

Section 2 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 10 (1) Based on the basic policy, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may designate certain zones of the territorial and inland waters of Japan 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 operate a marine renewable energy power generation business and it is expected that their power output will reach a considerable level once the marine renewable energy power generation facilities are installed;

(ii) given the scale and condition of the relevant zones, that it is found that the proper placement of marine renewable energy power generation facilities is possible without hindering the use, preservation, and management of waterways and ports within the relevant zones and neighboring areas;

(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 installation, 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 operation of the marine renewable energy power generation business will not hinder fisheries;

(vi) that the implementation of a marine renewable energy power generation business is expected to pose no risk of hindering the conservation of the marine

environment, etc. in the relevant area, in view of the state of the environment of the oceans in the relevant area, the surrounding coasts, and the land in the vicinity (referred to below as the "marine environment, etc." in this item and paragraph (4)); and

(vii) that the zones do not overlap with the area of a fishing port designated by the mayor of a municipality, the prefectural governor, or the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 6, paragraph (1) through paragraph (4) of the Act on Development of Fishing Ports and Fishing Grounds (Act No. 137 of 1950), the port limits prescribed in Article 2, paragraph (3) of the Port and Harbour Act (Act No. 218 of 1950), the water area publicly notified by the prefectural governor pursuant to the provisions of Article 56, paragraph (1) of the Act, the coastal preservation zone designated pursuant to the provisions of Article 3 of the Coast Act (Act No. 101 of 1956), the low-tide line preservation zone prescribed in Article 2, paragraph (5) of the Act on Preservation of the Low-Tide Line and Development of Base Facilities for Promoting the Preservation and Use of the 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 the Act.

(2) If the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to make a designation under the preceding paragraph, they are to survey the conditions of the relevant area.

(3) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to notify the Minister of the Environment of the location and area of the area relating to the survey and the marine renewable energy sources when they have conducted a survey pursuant to the provisions of the preceding paragraph.

(4) When the Minister of the Environment receives the notification under the preceding paragraph, the Minister is to conduct a survey on the marine environment, etc. for each item of the survey on the marine environment, etc. (meaning the survey on the marine environment, etc.; the same applies below in this paragraph and the Article) stated in the method statement of a survey on the marine environment, etc. in paragraph (1) of the following Article, based on the technique of the survey on the marine environment, etc. stated in the relevant method statement of a survey on the marine environment, etc., in order to collect data on the marine environment, etc. in the area relating to the relevant notification, and is to notify the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism of the results of the survey and publicize them.

(5) 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) with regard to the zones relating to the notification under the preceding paragraph, they must give public notice of the location and areas of the promotion zones for the development of marine renewable energy power generation facilities to be designated, and make a draft of the designation available for public inspection for two weeks from the date of the public notice, by attaching a document stating the reasons for the designation, 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) If a public notice under the preceding paragraph has been given, an interested party may submit a written opinion on the draft of the designation made available for public inspection to the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism by the day on which the public inspection period expires.

(7) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to make a designation under paragraph (1), they must consult with the Minister of Agriculture, Forestry and Fisheries, the Minister of the Environment, and other heads of the relevant administrative bodies, and hear the opinions of the relevant prefectural governors, with copies of written opinions submitted pursuant to the provisions of the preceding paragraph attached, and must hear the opinions of the council prescribed in Article 12, paragraph (1), if the council has been organized for the area for which the Ministers intend to make the designation.

(8) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have made the designation under paragraph (1), they must give public notice of the location and area of the promotion zones for the development of marine renewable energy power generation facilities for which they have made that designation, without delay, as provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(9) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism find that all or part of the zones designated as the promotion zones for the development of marine renewable energy power generation facilities are no longer necessary to be designated under paragraph (1) or no longer conform to any of the items of the paragraph, they may cancel the designation of the promotion zones for the development of marine renewable energy power generation facilities or reduce the size of the zones.

(10) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have cancelled the designation or reduced the area pursuant to the provisions of the preceding paragraph, they must give public notice, without delay, of the fact that the designation has been cancelled or public notice of the location and area of the promotion zones for the development of

marine renewable energy power generation facilities whose area has been reduced, as provided for by Order of the Ministry of Economy, Trade and Industry or Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Preparation of Method Statements of Surveys on the Marine Environment)

Article 11 (1) When the Minister of the Environment intends to conduct a survey on the marine environment, etc., the Minister is to prepare a method statement of a survey on the marine environment, etc., describing the following matters:

(i) general conditions of the location and area of the zone relating to a survey on the marine environment, etc. and its surroundings;

(ii) marine renewable energy sources relating to a survey on the marine environment, etc.;

(iii) the item and technique of a survey on the marine environment, etc. and the reason for selecting the relevant item and technique; and

(iv) other matters specified by Order of the Ministry of the Environment.

(2) When the Minister of the Environment has prepared a draft of a method statement of a survey on the marine environment, etc., as provided for by Order of the Ministry of the Environment, the Minister must give public notice to the effect that a draft of a method statement of a survey of the marine environment, etc. has been prepared and other matters specified by Order of the Ministry of the Environment, and make the draft of the method statement of the survey of the marine environment, etc. available for public inspection for one month from the date of the public notice (referred to as "period of public inspection, etc." in the following paragraph and paragraph (4)), and make the draft of the method statement of the survey of the marine environment, etc. available for public inspection via the Internet or by other means, as provided for by Order of the Ministry of the Environment, in order to obtain opinions on the items and methods of the survey of the marine environment, etc., from the standpoint of environmental conservation in the area relating to the survey of the marine environment, etc. (referred to below as "opinions on environmental conservation" in this Article).

(3) The Minister of the Environment must hold an explanatory meeting to make public the matters stated in the draft of a method statement of a survey on the marine environment, etc. by the expiration date of the period for public inspection, etc., pursuant to the provisions of Order of the Ministry of the Environment.

(4) An expression of an opinion on environmental conservation on a draft of a method statement of a survey on the marine environment, etc. must be made by submitting a written opinion to the Minister of the Environment during the period from the date of the public notice under paragraph (2) to the day on which two weeks have elapsed from the day following the expiration date of the period for public inspection, etc., as provided for by Order of the Ministry of the Environment.

(5) When an opinion on environmental conservation is expressed pursuant to the provisions of the preceding paragraph, the Minister of the Environment must pay consideration to it.

(6) When the Minister of the Environment has prepared a draft of a method statement of a survey on the marine environment, etc., the Minister is to seek opinions on environmental conservation from the prefectural governor and the mayor of a municipality (including the mayor of a special ward) who has jurisdiction over the area that is found to be within the range affected by the implementation of the marine renewable energy power generation project, pursuant to the provisions of Order of the Ministry of the Environment. In this case, when an opinion on environmental conservation has been expressed pursuant to the provisions of paragraph (4), a copy of the written opinion is to be sent to the prefectural governor and the mayor of a municipality after the period stated in the paragraph expires.

(7) When an opinion on environmental conservation is expressed under the first sentence of the preceding paragraph, the Minister of the Environment must take it into consideration.

(8) When having prepared a draft of a method statement of a survey on the marine environment, etc., the Minister of the Environment is to hear the opinion of the Minister of Economy, Trade and Industry from the viewpoint of regulating the construction, maintenance, and operation of electric facilities.

(9) When the Minister of the Environment has prepared a method statement of a survey on the marine environment, etc., the Minister must publicize the relevant method statement of a survey on the marine environment, etc., and if an opinion on environmental conservation has been expressed pursuant to the provisions of paragraph (4) or (7), the relevant opinion on environmental conservation and the Minister of the Environment's view concerning the matter, via the Internet or by other means.

(10) If the Minister of the Environment intends to enact, amend, or repeal the Order of the Ministry of the Environment referred to in paragraph (1), item (iv), paragraph (2) through paragraph (4), and paragraph (6), the Minister is to consult with the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism.

(Council)

Article 12 (1) The Minister of Economy, Trade and Industry, the Minister of Land, Infrastructure, Transport and Tourism and the relevant prefectural governors may establish a council to make the discussions necessary for the designation of the promotion zones for the development of marine renewable energy power generation facilities and the operation of the marine renewable energy power generation business in the promotion zones for the development of marine renewable energy power generation facilities (in this Article referred to below as the "council").

(2) The council is to 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; and

(iii) groups established by the related fishery managers and other interested parties, academic experts, and other persons as found 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, a relevant prefectural governor may request the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism to establish the council.

(4) Upon receiving the request under the preceding paragraph, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism must respond to that request, except when there are justifiable grounds not to do so.

(5) At a request of a member of the council, the head of a relevant administrative body may provide the council with a necessary advice, materials, and other forms of cooperation with regard to the designation of a promotion zone for the development of marine renewable energy power generation facilities and the operation of a marine renewable energy power generation business in a promotion zone for the development of marine renewable energy power generation facilities.

(6) Members of the council must respect results of deliberations with regard to the matters 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 are to be specified by the council.

(License for Exclusive Occupancy and Use of Sea Areas Within the Promotion Zones)

Article 13 A person that intends to engage in any act that falls under any of the following items in a sea area within a promotion zone for the development of marine renewable energy power generation facilities (including the area of space above the zone and seabed level under the zone as prescribed by Cabinet Order; referred to below as the "sea area within a promotion zone") must obtain license of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that this does not apply to the acts prescribed by Cabinet Order as unlikely to hinder the utilization or conservation of the sea areas within the promotion zones:

(i) the exclusive occupancy and use of a sea area within a promotion zone;

(ii) the collection of earth and sand;

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

(iv) in addition to those stated in the preceding three items, any act prescribed by Cabinet Order as likely to hinder the utilization or conservation of a sea area within a promotion zone.

(2) If the acts under the preceding paragraph seriously obstruct the utilization or conservation of the sea area within the promotion zone or the maintenance of the functions of the surrounding ports, the Minister of Land, Infrastructure, Transport and Tourism must not grant license.

(3) When the national government or a local government intends to engage in any of the acts under paragraph (1), "obtain license of the Minister of Land, Infrastructure, Transport and Tourism" in that paragraph is replaced with "consult with the Minister of Land, Infrastructure, Transport and Tourism"; and "grant license" in the preceding paragraph is replaced with "participate in the consultation."

(4) The exclusive occupancy and use period of a sea area within the promotion zone under item (i) of the paragraph to which the license under paragraph (1) relates may not exceed the period prescribed by Cabinet Order up to the extent not exceeding thirty years. The same applies to the renewal of that period.

(5) The Minister of Land, Infrastructure, Transport and Tourism may attach conditions to the license in paragraph (1) to the extent necessary for the utilization or conservation of the sea area of the promotion zone or the maintenance of the functions of the surrounding ports. In this case, those conditions must not impose undue obligations on a recipient of the license.

(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 license referred to in paragraph (1) for the acts under item (i) or item (ii) of that paragraph pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(7) Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, the Minister of Land, Infrastructure, Transport and Tourism may impose an administrative surcharge on a person that has evaded payment of the occupancy fee or earth and sand collection fee under the preceding paragraph by deception or other wrongful act, not exceeding the amount equivalent to five times the amount evaded.

(Transitional Measures)

Article 14 By virtue of the respective title at the time of the designation of a promotion zone for the development of marine renewable energy power generation facilities, if a person that has already engaged in an act for which the license under paragraph (1) of the preceding Article is required, or has already installed the

facilities or structures for which the license for installation is required pursuant to the provisions of the paragraph, the person is deemed to have obtained the license under that paragraph for that act or installation of those facilities or structures under the same conditions as in the past. By virtue of the respective title upon the enforcement of the Cabinet Order under the proviso to that paragraph or item (iv) or the Cabinet Order amending or abolishing that Cabinet Order, the same applies to a person that has already engaged in the act for which a new license is required, or has already installed the facilities or structures for which the license for installation is required.

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

Article 15 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 3 Certification of Exclusive Occupancy and Use Plan over Public Bidding

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

Article 16 (1) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism designate the promotion zones for the development of marine renewable energy power generation facilities, the Ministers must establish the guidelines for implementation of public tender process and exclusive occupancy and use of sea areas within the promotion zones for the development of marine renewable energy power generation facilities (referred to below as the "guidelines for public tender of exclusive occupancy and use") based on the basic policy in order to select a person by public tender to operate the marine renewable energy power generation business by developing marine renewable energy power generation facilities in the sea areas within the promotion zones.

(2) The following matters must be provided for in the guidelines for public tender of exclusive occupancy and use:

(i) the classification, etc. subject to delivery prescribed in Article 2-2, paragraph (1) of the Act on Special Measures Concerning Electricity from Renewable Energy Sources relating to the marine renewable energy power generation facilities subject to public tender (referred to as the "classification, etc. subject to delivery" in item (ix)) or the specified procurement classification, etc. prescribed in Article 3, paragraph (1) of the Act on Special Measures Concerning Electricity from Renewable Energy Sources (referred to as the "specified procurement classification, etc." in the item);

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

(iii) the timing to start exclusive occupancy and use of the sea areas within the promotion zones for the relevant marine renewable energy power generation facilities;

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

(v) the criteria for qualifications of public tender participants;

(vi) the amount of security deposit to be provided by public tender participants, and method and time limit of the provision, and other matters concerning the security deposit;

(vii) the upper limit of the supply price (meaning 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; the same applies below) (referred to below as the "upper limit of the supply price");

(viii) the method of determining the amount of the standard price prescribed in Article 2-3, paragraph (1) of the Act on Special Measures Concerning Electricity from Renewable Energy Sources (referred to as the "standard price" in Article 19) or the procurement price prescribed in Article 3, paragraph (2) of the Act on Special Measures Concerning Electricity from Renewable Energy Sources (referred to as the "procurement price" in Article 19) based on public tender;

(ix) the delivery period prescribed in Article 2-3, paragraph (1) of the Act on Special Measures Concerning Electricity from Renewable Energy Sources (referred to as the "delivery period" in Article 19) or the procurement period prescribed in Article 3, paragraph (2) of the Act on Special Measures Concerning Electricity from Renewable Energy Sources (referred to as the "procurement period" in Article 19) for the target categories, etc. for delivery or the specified target procurement categories, etc. subject to public tender;

(x) the time limit of an application for certification under Article 9, paragraph (1) of the Renewable Energy Electricity Special Measures Act for an appointed business operator (which means the person selected by public tender to operate the marine renewable energy power generation business by developing the marine renewable energy power generation facilities in the sea areas within the promotion zones; the same applies below);

(xi) matters concerning the ports to be used integrally with the zones stated 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 if the exclusive occupancy and use period of the sea areas within the promotion zones expires or if the sea areas within the promotion zones are no longer exclusively occupied and used for any other reason;

(xiii) the validity period of the certification under Article 20, paragraph (1);

(xiv) matters concerning coordination between a person operating the marine renewable energy power generation business, and the heads of the relevant administrative bodies, the relevant prefectural governors, and the mayors of the relevant municipalities;

(xv) the assessment criteria for selecting appointed business operators; and

(xvi) in addition to those stated 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 preceding paragraph is not to exceed thirty years.

(4) When the Minister of Economy, Trade and Industry intends to specify the matters stated in paragraph (2), item (i) or item (iv) through item (x), the Minister of Economy, Trade and Industry must hear the opinions of the Procurement Price Calculation Committee. In this case, the Prime Minister is to respect the opinions of the Committee.

(5) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to establish the evaluation criteria stated in paragraph (2), item (xv), they must hear the opinions of the relevant prefectural governors and persons with relevant expertise, as provided for by 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 exclusive occupancy and use, 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 exclusive occupancy and use when the Ministers find it necessary to do so for effective implementation of the public tender process.

(7) The provisions of the preceding three paragraphs apply *mutatis mutandis* to changes to the guidelines for public tender of exclusive occupancy and use.

(8) With regard to the application of the provisions of the Act on Special Measures Concerning Electricity from Renewable Energy Sources when referred to in paragraph (1), the phrase "specified by the Minister of Economy, Trade and Industry" in Article 2-3, paragraph (1) of the Act on Special Measures Concerning Electricity from Renewable Energy Sources is deemed to be replaced with "specified by the Minister of Economy, Trade and Industry and specified in the guidelines for public tender of exclusive occupancy and use prescribed in Article 16, paragraph (1) of the Act on Development of Marine Renewable Energy Power Generation Facilities (Act No. 89 of 2018; referred to below as the "Development Act")"; the phrase "specified by the Minister of Economy, Trade and Industry" in Article 3, paragraph (2) of the Act on Special Measures Concerning Electricity from

Renewable Energy Sources is deemed to be replaced with "specified by the Minister of Economy, Trade and Industry and specified in the guidelines for public tender of exclusive occupancy and use prescribed in Article 16, paragraph (1) of the Development Act"; the phrase "or specified procurement target category, etc." in Article 9, paragraph (4), item (v) of the Act on Special Measures Concerning Electricity from Renewable Energy Sources is deemed to be replaced with "or specified procurement target category, etc., or delivery target category, etc. or specified procurement target category, etc. specified in the guidelines for public tender of exclusive occupancy and use prescribed in Article 16, paragraph (1) of the Development Act"; the phrase "or paragraph (4), item (viii) of the Article" in (a) of the item is deemed to be replaced with "or paragraph (4), item (viii) of the Article or Article 16, paragraph (2), item (x) of the Development Act.

(Submission of an Exclusive Occupancy and Use Plan over Public Bidding)

Article 17 (1) A person that intends to apply for public tender to become an appointed business operator must prepare a plan for exclusive occupancy and use of the sea areas within the promotion zones for the development of marine renewable energy power generation facilities that the person intends to install (referred to below as an "exclusive occupancy and use plan over public bidding") 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 over public bidding to the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism.

(2) The following matters must be stated in the exclusive occupancy and use plan over public bidding:

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

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

(iii) the content and operation period of the marine renewable energy power generation business;

(iv) the classification, etc. of the renewable energy power generation facilities prescribed in Article 2-2, paragraph (1) of the Act on Special Measures Concerning Electricity from Renewable Energy Sources relating to the marine renewable energy power generation facilities to be installed (referred to as the "classification, etc. of the renewable energy power generation facilities" in Article 32, paragraph (8), item (i) and Article 33, paragraph (3), item (iv));

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

(vi) the methods of implementation of construction work;

(vii) the timing of construction work;

(viii) the power output of the relevant marine renewable energy power generation facilities;

(ix) the supply price;

(x) the 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 stated 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) the methods of removal of the relevant marine renewable energy power generation facilities if the exclusive occupancy and use period of the sea areas within the promotion zones expires or if the sea areas within the promotion zones are no longer exclusively occupied and used for any other reason;

(xiii) matters concerning the framework and capacities to make the coordination specified in paragraph (2), item (xiv) of the preceding Article;

(xiv) matters concerning the management of information on meteorological phenomena, hydrological phenomena, submarine topography, and other information concerning the sea areas where the relevant marine renewable energy power generation facilities are to be installed (including the areas above those areas and on the seabed as specified by Cabinet Order), which is acquired in the process of installing, maintaining, and managing the relevant marine renewable energy power generation facilities;

(xv) financial plan and income and expenditure plan;

(xvi) 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 matters stated in the items of the preceding paragraph, the following matters relating to the operation of the marine renewable energy power generation business can be stated in the exclusive occupancy and use plan over public bidding:

(i) matters concerning the acts for which the permission under Article 37, paragraph (1) of the Port and Harbour Act is required;

(ii) matters concerning acts for which a notification under Article 38-2, paragraph (1) of the Port and Harbour Act is required to be made.

(4) Submission of the exclusive occupancy and use plan over public bidding must 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 Appointed Business Operators)

Article 18 (1) When an exclusive occupancy and use plan over public bidding is submitted by a person that intends to apply for the public tender pursuant to the provisions of paragraph (1) of the 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 exclusive occupancy and use plan over public bidding conforms to the following criteria:

(i) that the supply price is not more than the maximum amount of the supply price and the relevant exclusive occupancy and use plan over public bidding is otherwise appropriate in light of the guidelines for public tender of exclusive occupancy and use;

(ii) that the exclusive occupancy and use of the sea areas within the promotion zones covered by the relevant exclusive occupancy and use plan over public bidding does not fall under the cases where the license must not be granted as referred to in Article 13, paragraph (2);

(iii) that the marine renewable energy power generation facilities covered by the relevant exclusive occupancy and use plan over public bidding 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 exclusive occupancy and use plan over public bidding is not obviously considered to be likely to commit a wrongful 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 exclusive occupancy and use plan over public bidding conforms to the criteria stated in the items of the paragraph, the Ministers are to assess all exclusive occupancy and use plans over public bidding that are found to conform to those criteria according to the assessment criteria referred to in Article 16, paragraph (2), item (xv).

(3) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to select, based on the assessment under the preceding paragraph, the person that has submitted the exclusive occupancy and use plan over public bidding that is found most appropriate to enable the long-term, stable and efficient operation of the marine renewable energy power generation business as an appointed business operator.

(4) If 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 preceding paragraph, the Ministers must hear opinions of persons with relevant expertise as provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(5) If the Minister of Land, Infrastructure, Transport and Tourism intends to select an appointed business operator pursuant to the provisions of paragraph (3)

and the matters stated in the items of paragraph (3) of the preceding Article are stated in the exclusive occupancy and use plan over public bidding submitted by the person that the Minister intends to select, the Minister must consult with and obtain the consent of the port management body (meaning the port management body provided for in Article 2, paragraph (1) of the Port and Harbour Act; the same applies in Article 36, paragraph (5)) with regard to the matters.

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

(Standard Price and Delivery Period or Procurement Price and Procurement Period for Appointed Business Operators)

Article 19 In accordance with the guidelines for public tender of exclusive occupancy and use, the Minister of Economy, Trade and Industry must determine the standard price and issuance period or procurement price and procurement period for the marine renewable energy power generation facilities for the appointed business operator based on the results of the public tender, and give public notice of them. In this case, the provisions of Article 8, paragraph (2) and paragraph (3) of the Act on Special Measures Concerning Electricity from Renewable Energy Sources apply *mutatis mutandis*.

(Certifying the Exclusive Occupancy and Use Plan over Public Bidding)

Article 20 (1) With respect to the exclusive occupancy and use plan over public bidding submitted by an appointed business operator, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to certify that the exclusive occupancy and use plan over public bidding is appropriate, by designating the areas and period of exclusive occupancy and use 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, 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, the Ministers must make public notice of the outline of the exclusive occupancy and use plan over public bidding so certified, and the date and validity period of that certification, as well as the areas of exclusive occupancy and use and period of exclusive occupancy and use of the sea areas within the promotion zones designated pursuant to the provisions of the paragraph.

(Changes to the Exclusive Occupancy and Use Plan over Public Bidding)

Article 21 (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 exclusive occupancy and use plan over public bidding, 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 is made, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to certify those changes only if the Ministers find that those changes conform to the following criteria:

(i) that the exclusive occupancy and use plan over public bidding after the changes satisfies the criteria stated in Article 18, paragraph (1), item (i) through item (iii);

(ii) that it is expected that the changes to the relevant exclusive occupancy and use plan over public bidding will contribute to further increasing the public interest; or that there are any inevitable grounds for those changes.

(3) The provisions of Article 18, paragraph (5) and paragraph (2) of the preceding Article apply mutatis mutandis to the certification of the changes pursuant to the provisions of paragraph (1).

(4) If an appointed business operator who has received the certification stated in paragraph (1) of the preceding Article makes a minor change specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism as stated in the proviso to paragraph (1), the appointed business operator must notify the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism of the content of the change without delay.

(License for the Exclusive Occupancy and Use of the Marine Renewable Energy Power Generation Facilities in the Sea Areas Within the Promotion Zones)

Article 22 (1) When an appointed business operator has obtained the certification referred to in Article 20, paragraph (1) (including the certification of the changes pursuant to the provisions of paragraph (1) of the preceding Article; referred to below as the "certification of the exclusive occupancy and use plan over public bidding"), that business operator must install, maintain and manage the marine renewable energy power generation facilities in accordance with the exclusive occupancy and use plan over public bidding as certified (or, in case of changes in that plan, the plan after the changes; referred to below as the "certified exclusive occupancy and use plan over public bidding").

(2) When the application for the license referred to in Article 13, paragraph (1) under the certified exclusive occupancy and use plan over public bidding (limited to that under item (i) of that paragraph; the same applies below in the following paragraph and Article 24, paragraph (3)) was made by an appointed business

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

(3) If the certification of the exclusive occupancy and use plan over public bidding has been given, no person other than the appointed business operator may apply for the license referred to in Article 13, paragraph (1) during the period of exclusive occupancy and use referred to in Article 20, paragraph (2) (including as applied *mutatis mutandis* pursuant to paragraph (3) of the preceding Article; the same applies below in this paragraph) with respect to the areas of exclusive occupancy and use of the sea areas within the promotion zones referred to in Article 20, paragraph (2).

(Succession to the Status)

Article 23 (1) The following persons may succeed to the status under the certification of the exclusive occupancy and use plan over public bidding owned by an 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) the general successor of an 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 already installed, maintained, and managed under the certified exclusive occupancy and use plan over public bidding, and the title necessary for installation, maintenance, and management of the relevant marine renewable energy power generation facilities from an appointed business operator.

(Revocation of Certification of the Exclusive Occupancy and Use Plan over Public Bidding)

Article 24 (1) In either of the following cases, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may revoke the certification of the exclusive occupancy and use plan over public bidding:

- (i) when it is discovered that the appointed business operator has obtained the certification of the exclusive occupancy and use plan over public bidding by deception or other wrongful act.
- (ii) when the appointed business operator has violated the provisions of Article 22, paragraph (1).

(2) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism revoke the certification of the exclusive occupancy and use plan over public bidding pursuant to the provisions of the preceding paragraph, the Ministers must give public notice to that effect.

(3) When the certification of the exclusive occupancy and use plan over public bidding is revoked pursuant to the provisions of paragraph (1), the license referred to in Article 13, paragraph (1) granted under the certified exclusive occupancy and

use plan over public bidding in connection with the certification of that exclusive occupancy and use plan over public bidding ceases to be effective.

(Special Provisions for the Environmental Impact Assessment Act)

Article 25 (1) If an appointed business operator conducts the marine renewable energy power generation business relating to its certified exclusive occupancy and use plan over public bidding, the provisions of Chapter II, Section 1 and Chapter III of the Environmental Impact Assessment Act (Act No. 81 of 1997) do not apply to the appointed business operator.

(2) With regard to the application of the provisions of the Environmental Impact Assessment Act to the appointed business operator in the case prescribed in the preceding paragraph, the terms and phrases listed in the middle column of the following table in the provisions of the Act listed in the left-hand column of the table are deemed to be replaced with the terms and phrases listed in the right-hand column of the table.

(Special Provisions on the Port and Harbour Act)

Article 26 (1) If the exclusive occupancy and use plan over public bidding in which the matters stated in Article 17, paragraph (3), item (i) are provided is certified pursuant to the provisions of Article 20, paragraph (1) or Article 21, paragraph (1), it is deemed that the permission referred to in Article 37, paragraph (1) of the Port and Harbour Act has been granted to the appointed business operator related to the matters on the date of the certification.

(2) The provisions of Article 38-2, paragraph (1) of the Port and Harbour Act do not apply if the appointed business operator carries out the act prescribed in Article 17, paragraph (3), item (ii) in accordance with the approved exclusive occupancy and use plan over public bidding in which the matters stated in that item are provided.

Section 4 Supervision

(Emergency Measures in Case of Extraordinary Disasters)

Article 27 (1) 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 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.

(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 preceding paragraph.

(3) With respect to the loss incurred as a result of the act under 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 vessels, 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 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 28 (1) The Minister of Land, Infrastructure, Transport and Tourism may order the following persons to suspend construction works and other acts, as well as remove, relocate, or alter structures or vessels or other property (in this Article referred to below 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 (in paragraph (3) and paragraph (9) referred to below as "removal, etc., of structures, etc."):

(i) a person who has obtained the license stated in Article 13, paragraph (1) by deception or other wrongful means;

(ii) a person who has committed any of the acts stated in the items of Article 13, paragraph (1) in violation of the provisions of that paragraph;

(iii) a person who has violated the conditions attached to license pursuant to the provisions of Article 13, paragraph (5) (including those changed or newly attached pursuant to the provisions of the following paragraph); and

(iv) a person who has violated the provisions of Article 15.

(2) The Minister of Land, Infrastructure, Transport and Tourism may revoke the license granted under Article 13, paragraph (1) to a person who falls under item (i) or item (iii) of the preceding paragraph, suspend the validity of the permission, change the conditions attached to the permission, or attach new conditions to the permission.

(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., or have a person ordered or delegated by the Minister carry out the 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 the removal, etc. of structures, etc. within a specified reasonable period, and that if the person does not carry out removal, etc. of the 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 the removal, etc. of the 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 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 preceding paragraph, the Minister must give public notice of the matters 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 (in paragraph (9) referred to below 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 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 the 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 preceding paragraph, and the price referred to in that paragraph is remarkably low, the Minister of Land, Infrastructure, Transport and Tourism may dispose of the relevant structures, etc.

(8) The proceeds from the sale under 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 paragraph (3) through paragraph (6) are to 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 the sale under paragraph (6); the same applies below 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. vests in the national government.

(Collection of Reports and On-Site Inspections)

Article 29 (1) To the extent necessary for the enforcement of the provisions of this Chapter, the Minister of Land, Infrastructure, Transport and Tourism may request a person who has obtained the license stated in Article 13, paragraph (1) (excluding the appointed business operator) to make necessary reports, or have their employees enter the place relating to the acts relating to the permission or the office or place of business of the person who has obtained the permission, and inspect the conditions of the acts relating to the permission, or structures, books, documents, and other necessary articles, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) As provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may request an appointed business operator to submit necessary reports, or have their employees enter the place where the marine renewable energy power generation facilities are to be installed or the office or place of activity of the appointed business operator and inspect the marine renewable energy power generation facilities, books, documents, and other necessary items.

(3) An employee who conducts an on-site inspection pursuant to the provisions of the preceding two paragraphs must carry an identification card and present it to the persons concerned.

(4) The authority to conduct the on-site inspection under paragraph (1) and paragraph (2) must not be construed as being granted for criminal investigation purposes.

(Compulsory Collection)

Article 30 (1) If a person does not pay the occupancy fee or earth and sand collection fee based on the provisions of Article 13, paragraph (6) or the dues based on the provisions of Article 28, paragraph (9) (collectively referred to as the "dues, etc." in paragraph (3) and paragraph (4)) by the due date for payment, the Minister of Land, Infrastructure, Transport and Tourism must make a demand by designating the due date for payment in a written demand. In this case, the due date to be designated in the written demand must be a day on which twenty days or more have elapsed from the day on which the written demand is issued.

(2) When the Minister of Land, Infrastructure, Transport and Tourism has demanded the payment under 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 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 has priority subordinate to the national tax and local tax.

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

Chapter IV Installation of Marine Renewable Energy Power Generation Facilities in the Exclusive Economic Zone

Section 1 Prohibited Acts in the Exclusive Economic Zone

Article 31 In addition to what is provided for in Article 38, paragraph (4), any person must not install facilities for converting marine renewable energy sources into electricity in the exclusive economic zones (excluding those specified by Cabinet Order as those having no risk of impairing the proper utilization of marine renewable energy sources in the exclusive economic zones, in consideration of their scale, the form of installation, and other reasons) and their auxiliary facilities (excluding submarine cables provided for in Article 58, paragraph (1) of United Nations Convention on the Law of the Sea); provided, however, that this does not apply when the national government or a person entrusted by the national government with the installation of the facilities does it.

Section 2 Designation of Solicitation Zones for the Installation of Marine Renewable Energy Power Generation Facilities

Article 32 Based on the basic policies, the Minister of Economy, Trade and Industry may designate an area of a considerable size that conforms to the following standards among the exclusive economic zones, as a solicitation zone for the installation of marine renewable energy power generation facilities.

(i) that meteorological, oceanic, and other natural conditions are suitable to operate the marine renewable energy power generation business and it is expected that their power output will reach a considerable level once the marine renewable energy power generation facilities are installed;

(ii) it is not found that the implementation of the marine renewable energy power generation business will cause any clear hindrance to fishing operations; and

(iii) in view of the state of the marine environment in the relevant area, it is expected that the implementation of the marine renewable energy power generation business is unlikely to hinder the conservation of the marine environment.

(2) If the Minister of Economy, Trade and Industry intends to make a designation under the preceding paragraph, the Minister is to survey the conditions of the relevant area.

(3) When the Minister of Economy, Trade and Industry has conducted the survey under the preceding paragraph, the Minister is to notify the Minister of the Environment of the location and area of the area relating to the survey and the marine renewable energy sources.

(4) If the Minister of the Environment receives a notice under the preceding paragraph, the Minister is to conduct a survey to collect data on the marine environments in the area relating to the notice, and notify the Minister of Economy, Trade and Industry of the results of the survey and publicize them.

(5) When the Minister of Economy, Trade and Industry intends to make the designation under paragraph (1) with regard to the area relating to the notification under the preceding paragraph, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, the Minister must give public notice of the location and the area of the solicitation zone for the installation of marine renewable energy power generation facilities for which the Minister intends to make the designation, and make the draft of the designation available for public inspection for two weeks from the day of the public notice, with a document stating the reasons for the designation.

(6) If a public notice under the preceding paragraph has been given, the interested parties may submit a written opinion on the draft of the designation made available for public inspection to the Minister of Economy, Trade and Industry by the day on which the public inspection period expires.

(7) When the Minister of Economy, Trade and Industry intends to make a designation under paragraph (1), the Minister must consult with the Minister of Agriculture, Forestry and Fisheries, the Minister of Land, Infrastructure, Transport and Tourism, the Minister of the Environment, and other heads of the relevant administrative bodies, attaching copies of written opinions submitted pursuant to the provisions of the preceding paragraph.

(8) When the Minister of Economy, Trade and Industry makes the designation under paragraph (1), the Minister must also specify the following matters with regard to the solicitation zone for the installation of marine renewable energy power generation facilities to be designated:

(i) the classification, etc. of the renewable energy power generation facilities relating to the marine renewable energy power generation facilities subject to the solicitation;

(ii) the criteria for the power output of the marine renewable energy power generation facilities subject to solicitation;

(iii) the maximum amount of supply price;

(iv) other matters necessary for implementing the marine renewable energy power generation business relating to the marine renewable energy power generation facilities subject to the solicitation in a long-term, stable, and efficient manner; and

(v) the period for soliciting applications under paragraph (1) of the following Article.

(9) When the Minister of Economy, Trade and Industry intends to specify the matters stated in the items of the preceding paragraph (excluding item (iv)), the

Minister of Economy, Trade and Industry must hear the opinions of the Procurement Price Calculation Committee. In this case, the Prime Minister is to respect the opinions of the Committee.

(10) If the Minister of Economy, Trade and Industry seeks to establish the matters stated in paragraph (8), item (iv), the Minister must hear opinions of persons with relevant expertise pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(11) When the Minister of Economy, Trade and Industry has made the designation under paragraph (1), without delay and pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, the Minister must give public notice of the location and the area of the solicitation zone for the installation of marine renewable energy power generation facilities for which the Minister has made the designation and the matters stated in the items of paragraph (8) (excluding item (iii)) that are provided for the solicitation zone for the installation of marine renewable energy power generation facilities for which the Minister has made the designation.

(12) When the Minister of Economy, Trade and Industry finds that the whole or a part of the area that has been designated as the solicitation zone for the installation of marine renewable energy power generation facilities no longer needs to be designated under paragraph (1) or no longer conforms to any of the items of the paragraph, the Minister may cancel the designation of the solicitation zone for the installation of marine renewable energy power generation facilities or reduce the size of the area.

(13) When the Minister of Economy, Trade and Industry has cancelled the designation or reduced the area pursuant to the provisions of the preceding paragraph, the Minister must give public notice, without delay, of the fact that the designation has been cancelled or of the location and area of the solicitation zone for the installation of marine renewable energy power generation facilities whose area has been reduced, as provided for by Order of the Ministry of Economy, Trade and Industry.

(14) After the period stated in paragraph (8), item (v) expires, if there is an area that is not a provisionally licensed zone as prescribed in Article 34, paragraph (3) or a licensed zone as prescribed in Article 38, paragraph (3) (excluding an area for which an application under paragraph (1) of the following Article has actually been filed; referred to below as an "unused area" in this paragraph) within the solicitation zone for the installation of marine renewable energy power generation facilities, the Minister of Economy, Trade and Industry may change the matters stated in the items of paragraph (8) that are provided for the unused area.

(15) The provisions of paragraph (9) through paragraph (11) apply mutatis mutandis to the case referred to in the preceding paragraph. In this case, the phrase "the designation under paragraph (1)" in paragraph (11) is deemed to be

replaced with "the change under paragraph (14)", and the phrase "the designated solicitation zone for the installation of marine renewable energy power generation facilities" in the paragraph is deemed to be replaced with "the unused area in the paragraph".

Section 3 Disposition to Grant Provisional Status for the Installation of Marine Renewable Energy Power Generation Facilities in Exclusive Economic Zone

(Disposition to Grant Provisional Status for the Installation of Marine Renewable Energy Power Generation Facilities in the Exclusive Economic Zone)

Article 33 (1) A person who intends to install a marine renewable energy power generation facility in a solicitation zone for the installation of marine renewable energy power generation facilities may obtain a disposition to grant a provisional status for the installation by filing an application with the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism.

(2) Within the period stated in paragraph (8), item (v) of the preceding Article (if the period has been changed pursuant to the provisions of paragraph (14) of the Article, the period after the change) with regard to the solicitation zone for the installation of marine renewable energy power generation facilities relating to an application, a person who intends to make an application under the preceding paragraph must submit to the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism an application form with a draft of the plan concerning the installation of marine renewable energy power generation facilities (referred to below as the "plan for the installation of marine renewable energy power generation facilities") and a draft of the map of the area, as provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) The draft of the plan for the installation of marine renewable energy power generation facilities stated in the preceding paragraph must state the following matters:

(i) the area in which the marine renewable energy power generation facilities relating to the application are to be installed, out of the solicitation zone for the installation of marine renewable energy power generation facilities;

(ii) among the sea areas other than the solicitation zone for the installation of marine renewable energy power generation facilities, the area where the attached facilities relating to the relevant marine renewable energy power generation facilities which are to be electrically connected with electric lines maintained and operated by an electricity utility are to be installed;

(iii) content and operation period of the marine renewable energy power generation business;

(iv) the classification, etc. of the renewable energy power generation facilities relating to the relevant marine renewable energy power generation facilities;

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

(vi) the method of implementation of the construction work;

(vii) the timing of construction work;

(viii) the power output of the relevant marine renewable energy power generation facilities;

(ix) the supply price;

(x) the method of maintaining and managing the relevant marine renewable energy power generation facilities (including measures to call attention to vessels and aircraft that navigate in the vicinity of the relevant marine renewable energy power generation facilities);

(xi) matters concerning the ports to be used for the transportation of personnel and materials necessary for the installation, maintenance, and management of the relevant marine renewable energy power generation facilities;

(xii) the method of removal of the relevant marine renewable energy power generation facilities if the marine renewable energy power generation business has been decided not to conduct;

(xiii) matters concerning the system and capacity for coordination with related fishery managers and other stakeholders;

(xiv) matters concerning the management of information on meteorological phenomena, hydrological phenomena, submarine topography, and other information on the sea areas where the relevant marine renewable energy power generation facilities are to be installed (including the areas above those areas and on the seabed as specified by Cabinet Order), which is acquired in the process of installing, maintaining, and managing the relevant marine renewable energy power generation facilities;

(xv) financial plan and income and expenditure plan; and

(xvi) other matters specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Criteria for Dispositions Granting Provisional Status)

Article 34 (1) When an application under paragraph (1) of the preceding Article has been filed, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may render a disposition to grant a provisional status (referred to below as a "provisional license") to the person who has filed the application (referred to below as the "applicant" in this paragraph and paragraph (3)), only if they find that the person conforms to the criteria specified in the following items according to the category of cases stated in the respective items:

(i) if the areas stated in paragraph (3), item (i) and item (ii) of the preceding Article relating to the application do not overlap with these areas relating to other applications: the following criteria:

(a) the supply price is not more than the maximum supply price, and the draft of the plan for the installation of marine renewable energy power generation facilities is appropriate in light of the matters stated in Article 32, paragraph (8), item (i) through item (iv) with regard to the solicitation zone for the establishment of the marine renewable energy power generation facilities;

(b) the relevant marine renewable energy power generation facilities and the method of maintaining and managing them conform to the standards specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism;

(c) the applicant has the technical capability and financial basis necessary for installing the relevant marine renewable energy power generation facilities;

(d) the applicant does not fall under any of the following:

1. a person who has been sentenced to a fine or severer punishment for violation of this Act or any order issued under this Act or any disposition made under these , and for whom five years have not elapsed from the day on which the enforcement of the sentence has been completed or the person has ceased to be subject to the enforcement of the sentence;

2. a person whose provisional license or license has been revoked pursuant to the provisions of Article 45, paragraph (1) or paragraph (2), and for whom five years have not elapsed from the date of the revocation;

3. a person who is clearly likely to commit a wrongful or dishonest act in relation to the marine renewable energy power generation business;

4. a corporation, any of whose officers in charge of its business fall under any of 1. through 3;

(ii) if the zone stated in paragraph (3), item (i) or item (ii) of the preceding Article relating to the application overlaps with these zones relating to other applications: the following criteria:

(a) the supply price is not more than the maximum supply price, and the draft of the plan for the installation of the marine renewable energy power generation facilities is the most appropriate from the viewpoint of implementing the marine renewable energy power generation business in a long-term, stable, and efficient manner in light of the matters stated in Article 32, paragraph (8), item (i) through item (iv) that are specified for the solicitation zone for the establishment of the marine renewable energy power generation facilities;

(b) the criteria stated in (b) through (d) of the preceding item.

(2) From the viewpoint of promoting the proper utilization of marine renewable energy sources in the exclusive economic zones, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to

establish the validity period of the provisional license within a scope not exceeding five years, and may attach necessary conditions (excluding the validity period; the same applies below in this Chapter) to the provisional license.

(3) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have granted a provisional license, they must promptly notify the applicant to that effect, and publicize the name of the person who has been granted the provisional license (referred to below as the "provisionally licensed business operator"), the location and area of the zone stated in paragraph (3), item (i) of the preceding Article and the area stated in item (ii) of the paragraph (excluding areas relating to territorial and inland waters of Japan) (referred to below as the "provisionally licensed zone") relating to the provisional license, the validity period of the provisional license, and other matters specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Special Provisions for the Environmental Impact Assessment Act)

Article 35 The provisions of Chapter II, Section 1 of the Environmental Impact Assessment Act do not apply to the provisionally licensed business operator (if the provisionally licensed business operator has obtained the license stated in Article 38, paragraph (1) for the marine renewable energy power generation facilities relating to the provisional license, the person who has obtained the license; the same applies in this Article and paragraph (2), item (iii) of the following Article) when the provisionally licensed business operator conducts the marine renewable energy power generation business relating to the provisional license (if the provisionally licensed business operator has obtained the license stated in Article 38, paragraph (1) for the marine renewable energy power generation facilities relating to the provisional license, the license).

Section 4 Council

Article 36 (1) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have granted a provisional license, they are to organize a council for holding consultations necessary for the implementation of the marine renewable energy power generation project in the relevant solicitation zone for the installation of marine renewable energy power generation facilities (referred to below as the "council") for each of the solicitation zones for the installation of marine renewable energy power generation facilities that include the relevant provisionally licensed zone:

(2) The council is to consist of the following persons:

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

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

(iii) the provisionally licensed business operator relating to the relevant solicitation zone for the installation of marine renewable energy power generation facilities;

(iv) groups organized by related fishery managers and other interested parties, and persons with relevant expertise and other persons found necessary by the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism.

(3) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism hold deliberations at the council, in advance they must notify the persons stated in item (iii) and item (iv) of the preceding paragraph of the matters on which the deliberations will be held.

(4) A person that has been notified as under the preceding paragraph must agree to hold deliberations concerning the matters of which the person has been notified, unless the person has a legitimate reason not to do so.

(5) The council may ask a port management body or other relevant administrative body that is not a member of the council to provide materials, present opinions, give explanations, and offer other necessary cooperation when it finds it necessary to do so.

(6) With regard to the matters for which an agreement is reached at the council, the members of the council must respect the result of the discussion. In this case, if there is any difference between the result and the draft of the plan for the installation of the marine renewable energy power generation facilities or the draft of the map of the area relating to the provisional license, the provisionally licensed business operator must take necessary measures so that the draft of the plan for the installation of the marine renewable energy power generation facilities or the draft of the map of the area is consistent with the result.

(7) In addition to what is provided for in each of the preceding paragraphs, matters necessary for the management of the council are to be specified by the council.

Section 5 License for Installation of Marine Renewable Energy Power Generation Facilities in the Exclusive Economic Zone

(License to Install Marine Renewable Energy Power Generation Facilities in the Exclusive Economic Zone)

Article 37 (1) When a provisionally licensed business operator intends to install a marine renewable energy power generation facility in the provisionally licensed zone, it may obtain a license by filing an application with the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism.

(2) A provisionally licensed business operator that intends to file an application under the preceding paragraph must submit a written application for it to the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure,

Transport and Tourism, as provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, by attaching a plan for the installation of marine renewable energy power generation facilities and a map of the area.

(3) The provisions of Article 33, paragraph (3) apply mutatis mutandis to the plan for the installation of marine renewable energy power generation facilities stated in the preceding paragraph.

(Criteria for License)

Article 38 (1) When an application under paragraph (1) of the preceding Article has been filed, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may grant a license relating to the application only if they find that the application conforms to the following standards:

(i) it is possible to use a hub port for marine renewable energy power generation facilities, etc. as prescribed in Article 2-4, paragraph (1) of the Port and Harbour Act or a port or harbour specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as having equivalent functions with regard to the transportation of personnel and goods necessary for the installation, maintenance, and management of the relevant marine renewable energy power generation facilities;

(ii) that the electric connection between the relevant marine renewable energy power generation facilities and the electric lines maintained and operated by the electricity utility is properly secured;

(iii) the plan for the installation of marine renewable energy power generation facilities and the map of the area are consistent with the matters agreed upon at the council;

(iv) that there is no risk of hindering the utilization of waterways in and around the area where the relevant marine renewable energy power generation facilities are to be installed;

(v) the implementation of the marine renewable energy power generation business is not likely to hinder fishing operations;

(vi) the marine renewable energy power generation business is expected to be implemented smoothly and reliably.

(2) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to determine the validity period of the license stated in the preceding paragraph, and may attach necessary conditions to the license from the viewpoint of promoting the proper utilization of marine renewable energy sources in the exclusive economic zones.

(3) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have granted the license stated in paragraph (1), they must promptly notify the person who has filed an application under

paragraph (1) of the preceding Article to that effect, and publicize the name of the person who has obtained the license (referred to below as the "licensed business operator"), the location and area of the zone stated in Article 33, paragraph (3), items (i) and (ii) as applied mutatis mutandis pursuant to paragraph (3) of the preceding Article relating to the license (referred to as the "licensed zone" in the following paragraph and Article 44, paragraph (5)), the validity period of the license, and other matters specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(4) The licensed business operator may install the marine renewable energy power generation facilities relating to the relevant license in the relevant licensed zone (excluding areas relating to the territorial waters and inland waters of Japan).

(Permission for Changes)

Article 39 (1) When a licensed business operator intends to change the plan for the installation of marine renewable energy power generation facilities or the map of the area to which the license relates, the licensed business operator must apply to the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism to obtain permission for the change; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) A licensed business operator that intends to file an application under the preceding paragraph must submit a written application for it to the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism, as provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, together with a plan for the installation of marine renewable energy power generation facilities or a map of the area.

(3) When an application for permission for change under paragraph (1) is filed, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may grant permission for change relating to the relevant application only if they find that the relevant application conforms to the following standards:

(i) the criteria specified in Article 34, paragraph (1), item (i);

(ii) the criteria stated in the items of paragraph (1) of the preceding Article.

(4) The provisions of paragraph (2) and paragraph (3) of the preceding Article apply mutatis mutandis to the permission for change referred to in the preceding paragraph.

(5) If a licensed business operator makes a minor change specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in the proviso to paragraph (1), the licensed business operator must notify the Minister of Economy, Trade and

Industry and the Minister of Land, Infrastructure, Transport and Tourism of the content of the change without delay.

Section 6 Obligations of Licensed Business Operators

(Obligations of Licensed Business Operators)

Article 40 A licensed business operator must install, maintain, manage, and remove the marine renewable energy power generation facilities in accordance with the plan for the installation of marine renewable energy power generation facilities relating to the license (if permission or notification of change has been given pursuant to the provisions of paragraph (3) or paragraph (5) of the preceding Article, the plan after the change; the same applies in Article 46, paragraph (2) and paragraph (5)).

(Notification of Construction Concerning Installation)

Article 41 (1) When a licensed business operator carries out construction work related to the installation of marine renewable energy power generation facilities, the licensed business operator must notify the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism of the location and area of the sea area where the construction work is to be carried out, as well as the content and period of the construction work, as provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, no later than 30 days before the day of starting the construction work.

(2) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have received the notification under the preceding paragraph, they must promptly make public the name of the licensed business operator, the location and area of the sea area in which the construction work relating to the installation of marine renewable energy power generation facilities is to be conducted, and other matters specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, as provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Supervision Order)

Article 42 (1) When a licensed business operator falls under any of the following items, The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may order the suspension of construction or other acts, the removal, relocation or reconstruction of structures, vessels or other objects (referred to below as "structures, etc." in this paragraph), the installation of facilities necessary for removing or preventing obstructions caused or to be caused by construction or other acts, or structures, etc., or take other measures, or restore the original state (referred to as "removal, etc. of structures, etc." in paragraph (3) of the following Article):

(i) when a person has obtained the license referred to in Article 38, paragraph (1) by deception or other wrongful means;

(ii) when a person has violated the conditions (including those changed or newly attached pursuant to the provisions of Article 44, paragraph (4) or Article 45, paragraph (2)) attached to the license pursuant to the provisions of Article 38, paragraph (2) (including as applied mutatis mutandis pursuant to Article 39, paragraph (4));

(iii) when a person has violated the provisions of Article 39, paragraph (1) or paragraph (5), Article 40 (excluding the part relating to the removal of the marine renewable energy power generation facilities), paragraph (1) of the preceding Article, or paragraph (1) of the following Article.

(2) The provisions of Article 28, paragraph (3) through paragraph (10) apply mutatis mutandis to an order under the preceding paragraph. In this case, the term "the Minister of Land, Infrastructure, Transport and Tourism" in the provisions of paragraph (3) through paragraph (7) of the Article is deemed to be replaced with "the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism", and the term "Order of the Ministry of Land, Infrastructure, Transport and Tourism" in paragraph (5) and paragraph (6) of the Article is deemed to be replaced with "Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism".

(Notifying Discontinuation of Marine Renewable Energy Power Generation Business and Confirmation of Removal of Marine Renewable Energy Power Generation Facilities)

Article 43 (1) When a licensed operator intends to discontinue the marine renewable energy power generation, they must notify the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism of the matters stated in the following items in accordance with the categories of cases stated in those items, 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:

(i) if a marine renewable energy power generation facility is installed (including when it is under construction): the location and area of the sea area where the construction work concerning the removal of the marine renewable energy power generation facility is to be carried out, and the content and period of the construction work;

(ii) in cases other than the case stated in the preceding item: a statement to the effect that the relevant marine renewable energy power generation business is discontinued.

(2) In the case stated in item (i) of the preceding paragraph, when the work related to the removal of the marine renewable energy power generation facilities

has been completed, a licensed business operator must obtain confirmation from the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism that the results of the work conform to the standards specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may order a licensed business operator that has carried out construction work related to the removal of the marine renewable energy power generation facilities in violation of the provisions of Article 40 (including a person that has failed to carry out the construction work despite the fact that it is necessary to carry out the construction work pursuant to the provisions of that Article) to carry out the removal, etc. of the structures, etc.

(4) If a licensed business operator has received the confirmation stated in paragraph (2) (or, in the case stated in paragraph (1), item (ii), if the notification stated in the paragraph has been made), the license stated in Article 38, paragraph (1) relating to the licensed business operator ceases to be effective.

(5) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have made the confirmation stated in paragraph (2), they must promptly make public the name of the licensed business operator, the location and area of the sea area from which the marine renewable energy power generation facilities were removed, and other matters specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, as provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(6) The provisions of Article 28, paragraph (3) through paragraph (10) apply mutatis mutandis to an order under paragraph (3). In this case, the term "the Minister of Land, Infrastructure, Transport and Tourism" in the provisions of paragraph (3) through paragraph (7) of the Article is deemed to be replaced with "the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism", and the term "Order of the Ministry of Land, Infrastructure, Transport and Tourism" in paragraph (5) and paragraph (6) of the Article is deemed to be replaced with "Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism".

Section 7 Miscellaneous Provisions

(Succession to the Status)

Article 44 (1) Any of the following persons that intends to succeed to the status held by a provisionally licensed business operator or a licensed business operator may obtain approval for the succession to the status by filing an application with

the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism:

(i) a general successor of a provisionally licensed business operator or a licensed business operator;

(ii) a person that has acquired ownership or any other rights relating to the marine renewable energy power generation facilities (limited to those for which the licensed business operator has obtained the license referred to in Article 38, paragraph (1); the same applies in paragraph (3), item (ii)) from the licensed business operator.

(2) A person that intends to file an application under the preceding paragraph, as provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, must submit a written application to the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism, together with the plan for the installation of marine renewable energy power generation facilities (in the case of a general successor of a provisionally licensed business operator, a draft of the plan).

(3) When an application for approval under paragraph (1) is filed, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may grant the approval related to the application only if they find that the application conforms to the criteria prescribed in the following items according to the category of cases stated in the respective items:

(i) if the person that filed the application (referred to as the "person applying" in the following item and paragraph (5)) is a general successor of a provisionally licensed business operator: the criteria provided for in Article 34, paragraph (1), item (i);

(ii) if the applicant is a person who has acquired the property right or other rights concerning the marine renewable energy power generation facilities from the general successor of the licensed business operator or from the licensed business operator: the standards specified in the preceding item and the standards stated in the items of Article 38, paragraph (1).

(4) In granting the approval referred to in the preceding paragraph, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may change the valid period (including a valid period that has been changed pursuant to the provisions of this paragraph or that has been shortened pursuant to the provisions of paragraph (1) or paragraph (2) of the following Article) established pursuant to the provisions of Article 34, paragraph (2) or Article 38, paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 39, paragraph (4); the same applies below in this paragraph), and may revoke, change, or newly attach conditions (including conditions that have been changed or newly attached pursuant to the provisions of this paragraph or

paragraph (1) or paragraph (2) of the following Article) that have been attached pursuant to the provisions of Article 34, paragraph (2) or Article 38, paragraph (2), with regard to the provisional license or the license referred to in Article 38, paragraph (1) for which the Ministers seek to grant the approval.

(5) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have granted approval referred to in paragraph (3), they must promptly notify the applicant to that effect and make public the name of the person that has obtained the approval, the location and area of the provisionally licensed zone or licensed zone relating to the succession for which the approval has been given, the validity period of the provisional license or the license under Article 38, paragraph (1) relating to the succession for which the approval has been given (if the validity period has been changed pursuant to the provisions of the preceding paragraph, the changed validity period), and other matters specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(6) The persons listed in the items of paragraph (1) succeed to the status held by the provisionally licensed business operator or the licensed business operator relating to the approval only when the approval stated in paragraph (3) is granted.

(Revocation of Provisional License or License)

Article 45 (1) If a provisionally licensed business operator falls under any of the following items, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may revoke the provisional license, suspend its validity, shorten its validity period, change its conditions, or attach new conditions:

(i) when the person has obtained a provisional license by deception or other wrongful means;

(ii) when it no longer conforms to the criteria stated in Article 34, paragraph (1), item (i), (c) or (d) (excluding 2.);

(iii) when a person has violated the conditions attached to the provisional license pursuant to the provisions of Article 34, paragraph (2) (including those changed or newly attached pursuant to the provisions of paragraph (4) of the preceding Article or this paragraph);

(iv) when the person has violated the provisions of Article 36, paragraph (4).

(2) If a licensed business operator falls under any of the following items, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may revoke the license granted under Article 38, paragraph (1), suspend its validity, shorten its validity period, change its conditions, or attach new conditions:

(i) when the person no longer satisfies the criteria stated in Article 34, paragraph (1), item (i), (c) or (d) (excluding 2.);

(ii) when the person has violated the provisions of Article 36, paragraph (4), Article 39, paragraph (1) or (5), Article 40, or Article 41, paragraph (1);

(iii) when the license referred to in Article 38, paragraph (1) has been obtained through deception or other wrongful means;

(iv) when the person has violated the conditions attached to license pursuant to the provisions of Article 38, paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 39, paragraph (4)) (including those changed or newly attached pursuant to the provisions of paragraph (4) of the preceding Article or this paragraph);

(v) when a person, without justifiable grounds, has failed to start a marine renewable energy power generation business within the period specified by Order of the Ministry of Economy, Trade and Industry or Order of the Ministry of Land, Infrastructure, Transport and Tourism from the day when the license was granted, or has continuously suspended the business for one year or more.

(3) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have revoked a provisional license or license pursuant to the provisions of the preceding two paragraphs, they must give public notice to that effect, and when the validity period of a provisional license or license has been shortened pursuant to these provisions, they must make the shortened validity period public.

(Removal Obligation of Former Licensed Business Operators)

Article 46 (1) In the cases listed in the following items, the person specified respectively in those items (referred to below as the "former licensed business operator, etc." in this Article) is deemed to be the licensed business operator with regard to the application of the provisions of Article 40 (limited to the part relating to the removal of the marine renewable energy power generation facilities), Article 43, paragraphs (3) and (6) and the following Article (including penal provisions relating to these provisions) for the period until the confirmation stated in paragraph (6) is obtained:

(i) if a licensed business operator has not received the confirmation stated in Article 43, paragraph (2) by the time of expiration of the validity period of the license stated in Article 38, paragraph (1): the person that has been the licensed business operator;

(ii) if the licensed business operator has had their license revoked pursuant to the provisions of paragraph (2) of the preceding Article: the person that has been the licensed business operator;

(iii) if the licensed business operator has dissolved and there has been no succession under Article 44, paragraph (6): a liquidator or bankruptcy trustee;

(iv) if the licensed business operator has died and the heir (if there are two or more heirs and an heir who is to succeed to the status held by the licensed business

operator has been specified by agreement between the heirs, the specified person) has not succeeded to the status under Article 44, paragraph (6): the relevant heir:

(v) if the licensed business operator has died and it is not clear whether there is an heir: a person that controls the inherited property in place of the heir.

(2) In the case referred to in the preceding paragraph, when the former licensed business operator, etc. intends to change the matters stated in Article 33, paragraph (3), item (xii) as applied *mutatis mutandis* pursuant to Article 37, paragraph (3) that are stated in the plan for marine renewable energy power generation facility, they must obtain permission for the change by filing an application with the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism, as provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) When an application for permission for a change under the preceding paragraph has been filed, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may grant the permission related to the relevant application only if they find that the relevant application conforms to the criteria stated in Article 34, paragraph (1), item (i), (a) (limited to the part related to Article 32, paragraph (8), item (iv)) and the items of Article 38, paragraph (1) (excluding item (ii)).

(4) If a former licensed business operator, etc. has made a minor change specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism pursuant to the provisions of the proviso to paragraph (2), the operator, etc. must notify the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism of the content of the change without delay.

(5) With regard to the application of the provisions of Article 40 as deemed and applied pursuant to the provisions of paragraph (1) if the plan for the installation the marine renewable energy power generation facilities has been changed pursuant to the provisions of the preceding three paragraphs, the phrase "paragraph (3) or paragraph (5) of the preceding Article" in Article 40 is deemed to be replaced with "Article 46, paragraph (3) or paragraph (4)", and the phrase "Article 46, paragraph (2) and paragraph (5)" in Article 40 is deemed to be replaced with "Article 46, paragraph (2) and paragraph (5)".

(6) When the construction work relating to the removal of the marine renewable energy power generation facilities has been completed, a former licensed business operator, etc. must obtain confirmation from the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism with regard to the fact that the results of the construction work conform to the standards

specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism. In this case, the provisions of Article 43, paragraph (5) apply mutatis mutandis.

(Collection of Reports and On-Site Inspections)

Article 47 (1) To the extent necessary for the enforcement of the provisions of this Chapter, as provided for by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may request a provisionally licensed business operator or a licensed business operator to make necessary reports, or have their employees enter the place where the marine renewable energy power generation facilities are to be installed, or the office or place of activity of the provisionally licensed business operator or the licensed business operator, and inspect the marine renewable energy power generation facilities, books, documents, and other necessary items.

(2) An employee who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it to the relevant persons.

(3) The authority to conduct an on-site inspection under paragraph (1) must not be construed as being granted for the purpose of a criminal investigation.

(Sincere Implementation of International Agreements)

Article 48 In enforcing the provisions of this Chapter, attention must be paid so as not to preclude the sincere implementation of treaties and other international agreements Japan has signed.

Chapter V Miscellaneous Provisions

(Provision of Information)

Article 49 In order to promote the utilization of territorial and inland waters of Japan for the development of marine renewable energy power generation facilities and to contribute to the proper utilization of marine renewable energy sources in the exclusive economic zones, the Minister of Land, Infrastructure, Transport and Tourism is to provide the persons operating the marine renewable energy power generation project with information on the ports and harbours available for the transportation of personnel and materials necessary for the installation, maintenance, and management of the marine renewable energy power generation facilities.

(Delegation of Orders)

Article 50 In addition to what is provided for in this Act, the matters necessary for the enforcement of this Act are specified by orders.

(Transitional Measures)

Article 51 When 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 that establishment, revision, or abolishment.

(Delegation of Authority)

Article 52 The authority of the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism provided 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 VI Penal Provisions

Article 53 In connection with the certification or provisional license stated in Article 20, paragraph (1), in violation of their duties, if a national government employee has committed an act that impairs the fairness of the public tender or the provisional license by inciting a person who intends to receive the certification or provisional license to engage in bid rigging, by informing a person who intends to receive the certification or provisional license of any secret concerning the public tender related to the certification (referred to as the "public tender of exclusive occupancy and use" in the following Article) or the solicitation related to the provisional license (referred to as the "solicitation for installation" in the following Article), or by any other method, that employee is subject to imprisonment for not more than five years or a fine of not more than 2.5 million yen.

Article 54 (1) When a person has committed an act that impairs the fairness of a public tender of exclusive occupancy and use or a solicitation for installation by the use of fraudulent means or force, the person who has committed the violation is punished by imprisonment for not more than three years or a fine of not more than 2.5 million yen, or both.

(2) The preceding paragraph also applies to a person who has engaged in bid rigging for a public tender of exclusive occupancy and use or a public offering for installation for the purpose of impairing a fair price or acquiring a wrongful gain.

Article 55 (1) If a person falls under one of the following items, the person committing the violation is subject to imprisonment for not more than one year or a fine of not more than 500,000 yen:

(i) when the person has committed any of the acts stated in the items of Article 13, paragraph (1) in violation of the provisions of that paragraph;

(ii) when the person has violated the provisions of Article 15 or Article 31.

Article 56 If an order under Article 28, paragraph (1), Article 42, paragraph (1), or Article 43, paragraph (3) is violated, the person who has committed the violation is punished by a fine of not more than 500,000 yen.

Article 57 If a person has failed to make a report under Article 29, paragraph (1) or paragraph (2) or Article 47, paragraph (1) has made a false report, or has refused, obstructed, or evaded an inspection under these provisions, the person who has committed the violation is punished by a fine of not more than 300,000 yen.

Article 58 If the representative of a corporation, or an agent, employee, or other worker of a corporation or individual commits a violation referred to in Article 54 through the preceding Article in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the fine referred to in the relevant Article is also imposed on the corporation or individual.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect on 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 Exclusive Occupancy and Use)

Article 2 The provisions of the proviso to Article 13, paragraph (6) (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) do not apply on or before the date prescribed by Cabinet Order within a period not exceeding two years from the date of promulgation.

(Examination)

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

Supplementary Provisions (Act No.49 of June 12, 2020) (Extract)

(Effective Date)

Article 1 This Act comes into effect on April 1, 2022.

Supplementary Provisions (Act No.68 of June 17, 2022) (Extract)

(Effective Date)

(1) This Act comes into effect on the effective date of the partial amendment Act on the Penal Code; provided, however, that the provisions stated in the following items come into effect on the dates specified respectively in those items:

(i) the provisions of Article 509: the date of promulgation.

Supplementary Provisions (Act No.34 of May 26, 2023) (Extract)

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

Supplementary Provisions (Act No.59 of June 11, 2025) (Extract)

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of Article 4 of the Supplementary Provisions come into effect on the date of promulgation.

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

Article 2 The provisions of Article 2, paragraph (5), Article 10 (excluding paragraph (9) and paragraph (10)), Article 11, and Article 25 of the Act on the Development of Marine Renewable Energy Power Generation Facilities amended by this Act (referred to below as the "New Act" in this Article) apply to the areas designated pursuant to the provisions of Article 10, paragraph (1) of the New Act on or after the date on which this Act comes into effect (referred to below as the "effective date" in this Article and the following Article) (excluding the areas for which an investigation under Article 8, paragraph (2) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities before amendment by this Act (referred to below as the "Former Act" in this Article and the following Article) has been started before the effective date and for which the designation under paragraph (1) of the Article has not been made at the time of the enforcement of this Act (referred to below as the "specified areas" in this Article)), and prior laws continue to govern the criteria for designation and the investigation concerning the marine environments (including the environments of the surrounding coasts of the relevant areas and the land in their vicinity) relating to the areas designated pursuant to the provisions of Article 8, paragraph (1) of the Former Act (including the specified areas).

(Transitional Measures Concerning Exclusive Occupancy and Use Plan over Public Bidding)

Article 3 (1) If a person who intends to apply for public tender to become an appointed business operator pursuant to the provisions of Article 14, paragraph (1) of the Former Act submits an exclusive occupancy and use plan over public bidding before the date of enforcement, and the appointed business operator relating to the exclusive occupancy and use plan over public bidding has not yet been selected at the time of enforcement of this Act, prior laws continue to govern the disposition of the selection of the appointed business operator.

(2) Prior laws continue to govern the certification and change of the exclusive occupancy and use plan over public bidding relating to the appointed business operator that has actually been selected pursuant to the provisions of Article 15, paragraph (3) of the Former Act at the time of the enforcement of this Act or that will be selected in accordance with prior laws pursuant to the provisions of the preceding paragraph on and after the effective date, and the succession of the status based on the certification.

(Delegation to Cabinet Order)

Article 4 In addition to what is provided for in the preceding two Articles, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(Reviews)

Article 5 Approximately five years after this Act comes into effect, the government is to review the provisions amended by this Act in consideration of the status of

their enforcement, and is to take the required measures based on the results of the review if it finds this to be necessary.