

# Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities

(Act No. 89 of December 7, 2018)

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## Chapter I General Provisions

(Purpose)

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

(Definitions)

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

marine renewable energy power generation facilities.

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

#### (Basic Principles)

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

#### (Responsibilities of the State)

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

- (2) The State must endeavor to collect and provide information required for the utilization of sea areas for the development of marine renewable energy power generation facilities, for and to the persons operating the marine renewable energy power generation business as well as other forms of support.
- (3) The State must endeavor, through education, public relations and other activities, to deepen the understanding of citizens on the promotion of utilization of sea areas for the development of marine renewable energy power generation facilities.

(Responsibilities of the Relevant Local Governments)

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

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

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

## **Chapter II Basic Policy**

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

- (2) The following matters are to be provided for in the basic policy:
  - (i) matters concerning the meaning of, and goals for, promoting the utilization of sea areas for the development of marine renewable energy power generation facilities;
  - (ii) basic matters concerning measures for promoting the utilization of sea areas for the development of marine renewable energy power generation facilities;

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

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

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

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

Article 8 (1) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may, based on the basic policy, designate certain zones of the territorial and inland waters of 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 the marine renewable energy power generation business and it is expected that, once the marine renewable energy power generation facilities are installed, their power output will reach a considerable level;
- (ii) that it is found, given the scale and condition of the relevant zones, that the proper placement of marine renewable energy power generation facilities is

- possible without hindering the use, preservation and management of waterways and ports within the relevant zones and its 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 installment, maintenance and management of the marine renewable energy power generation facilities;
- (iv) that it is expected that electric connection between the marine renewable energy power generation facilities and the electric lines maintained and operated by electricity utilities will be properly secured;
- (v) that it is expected that the operation of the marine renewable energy power generation business will not hinder fisheries;
- (vi) that the promotion zones will not overlap the zone of a fishing port designated by the mayor of a municipality, a prefectural governor or the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 6, paragraphs (1) through (4) of the Act on Development of Fishing Ports and Grounds (Act No. 137 of 1950), the zone of a fishing port provided for in Article 2, paragraph (3) of the Port and Harbor Act (Act No. 218 of 1950), the water area publicly notified by a prefectural governor pursuant to the provisions of Article 56, paragraph (1) of that Act, the coastal preservation zone designated pursuant to the provisions of Article 3 of the Coast Act (Act No. 101 of 1956), and the low tide level zone provided for in Article 2, paragraph (5) of the Act on the Preservation of Low Tide Levels and Development of Infrastructure to Preserve and Facilitate Use of Exclusive Economic Zones and the Continental Shelf (Act No. 41 of 2010) or the water area publicly notified by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 9, paragraph (1) of the same Act.
- (2) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to make the designation under the provisions of the preceding paragraph, the Ministers is to investigate the condition of the relevant zone in advance.
- (3) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to make the designation under paragraph (1), the Ministers must give prior public notice to that effect pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism and make a draft of the designation available for public inspection, together with a document describing reasons why they intend to make the designation, available for two weeks from the relevant public notice.
- (4) When the public notice is given pursuant to the provisions of the preceding paragraph, the interested parties may submit their written opinion as to the

draft designation made available for public inspection to the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism on or prior to the date of expiration of the public inspection period under that paragraph.

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

(Council)

Article 9 (1) The Minister of Economy, Trade and Industry, the Minister of Land, Infrastructure, Transport and Tourism and the relevant ministerial governors may establish a council to make 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 (hereinafter in this Article referred to 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;
  - (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, the relevant prefectural governors may request the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism to establish the council.
- (4) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism, upon receiving the request under the provisions of the immediately preceding paragraph, must respond to that request, except when there are justifiable grounds not to do so.
- (5) The heads of the relevant administrative organs may, at the request of members of the council, provide the council with the necessary advice, materials and other forms of cooperation with regard to 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.
- (6) Members of the council must respect results of deliberations with regard to the particulars on which they have reached a consensus at the council.
- (7) In addition to what is provided for in each of the preceding items, matters necessary for the management of the council are to be specified by the council.

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

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

conservation of the sea areas within the promotion zones.

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



exceeding the amount equivalent to five times the amount evaded.

(Transitional Measures)

Article 11 By virtue of the respective title as of the time of the designation of the promotion zones for the development of marine renewable energy power generation facilities, if a person that has already engaged in an act for which the permission under paragraph (1) of the immediately preceding Article is required, or has already installed the facilities or structures for which the permission for installation is required pursuant to the provisions of the same paragraph, those persons are deemed to have obtained the permission under that paragraph for that act or installation of those facilities or structures under the same conditions as in the past. The same applies, by virtue of the respective title upon the enforcement of the Cabinet Order under the proviso of that paragraph or item (iv) or the Cabinet Order amending or abolishing that Cabinet Order, to a person that has already engaged in the act for which a new permission is required, or has already installed the facilities or structures for which the permission for installation is required.

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

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

## **Section 2 Certification of 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 13 (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, based on the basic policy, 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 (hereinafter referred to as the "guidelines for public tender of exclusive occupancy and use") in order to select, by public tender, a person 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) classification, etc., of the renewable energy power generation facilities specified in Article 3, paragraph (1) of the Renewable Energy Electricity Special Measures Act to which the marine renewable energy power generation facilities that are subject to public tender (hereinafter in items (ix) and paragraph (4) referred to as the "classification, etc., of the subject power generation facilities") pertain;
- (ii) 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 of commencement of 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 provision, and other matters concerning the security deposit;
- (vii) the maximum amount of supply price (which means the price per kilowatt-hour of the marine renewable energy electricity that can be supplied by using the relevant marine renewable energy power generation facilities; hereinafter the same applies in paragraph (2), item (ix) of the immediately following Article and Article 15, paragraph (1), item (i)) (hereinafter in paragraph (6) and the item referred to as the "maximum amount of supply price");
- (viii) the method of determining the amount of procurement price provided for in Article 3, paragraph (1) of the Renewable Energy Electricity Special Measures Act under the public tender (hereinafter in Article 16 simply referred to as a "procurement price");
- (ix) the procurement period provided for in Article 3, paragraph (1) of the Renewable Energy Electricity Special Measures Act to which the classification of the subject power generation facilities pertains (hereinafter in Article 16 simply referred to as a "procurement period");
- (x) the time limit of submission of an application for certification under the provisions of Article 9, paragraph (1) of the Renewable Energy Electricity Special Measures Act by an appointed business operator (which means the person selected by 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; hereinafter the same applies);

- (xi) matters concerning the ports to be used integrally with the zones set forth in item (ii) in connection with transportation of personnel and materials necessary for installation, maintenance and management of the relevant marine renewable energy power generation facilities;
  - (xii) matters concerning removal of the relevant marine renewable energy power generation facilities in cases where the exclusive occupancy and use period of the sea areas within the promotion zones expires and where 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 17, paragraph (1);
  - (xiv) matters concerning coordination between the person operating the marine renewable energy power generation business, and the heads of the relevant administrative organs, the relevant prefectural governors and the mayors of the relevant municipalities;
  - (xv) the assessment criteria for selecting appointed business operators;
  - (xvi) in addition to those set forth in each of the preceding items, matters concerning the implementation of the public tender procedure and other necessary matters.
- (3) The validity period under item (xiii) of the immediately preceding paragraph is not to exceed thirty years.
- (4) When the Minister of Economy, Trade and Industry intends to specify the classification of the subject power generation facilities or the matters set forth in paragraph (2), items (iv) through (x), the Minister must hear opinions of the Calculation Committee for Procurement Prices, etc., in advance. In this case, the Minister of Economy, Trade and Industry is to respect the opinions of the Calculation Committee for Procurement Prices, etc.
- (5) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to establish the assessment criteria under paragraph (2), item (xv), the Ministers must hear opinions of the relevant prefectural governors and academic experts in advance pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (6) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have established the guidelines for public tender of 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 to be necessary for effective implementation of the public tender process.
- (7) The provisions of the immediately preceding three paragraphs apply *mutatis mutandis* to changes to the guidelines for public tender of exclusive occupancy

and use.

- (8) For the purpose of applying the provisions of the Renewable Energy Electricity Measures Act in the case of paragraph (1), "those ..." in Article 3, paragraph (1) of the Renewable Energy Electricity Special Measures Act is replaced with "those ... and those prescribed in the guidelines for public tender of exclusive occupancy and use provided for in Article 13, paragraph (1) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities (Act No. 89 of 2018; hereinafter the "Promotion Act"); "classification of renewable energy power generation facilities" in Article 9, paragraph (3), item (v) of the Renewable Energy Electricity Special Measures Act is replaced with "classification of renewable energy power generation facilities or classification of the subject power generation facilities specified in paragraph (2), item (i) of that Article provided for in the guidelines for public tender of exclusive occupancy and use specified in Article 13, paragraph (1) of the Promotion Act"; "Article 5, paragraph (2), item (viii) in (b) of that item is replaced with "Article 5, paragraph (2), item (viii) or Article 13, paragraph (2), item (x) of the Promotion Act"; "there has been ... pursuant to the provisions of Article 6" in (b) of that item is replaced with "there has been ... pursuant to the provisions of Article 6 and the renewable energy power generation project plan presented in the application is consistent with the exclusive occupancy and use plan over public bidding specified in Article 14, paragraph (1) of the Promotion Act"; "Article 7, paragraph (7)" in (c) of that item is replaced with "Article 7, paragraph (7) or Article 15, paragraph (6) of the Promotion Act"; "this Act" in Article 67, paragraph (2) of the Renewable Energy Electricity Special Measures Act is replaced with "this Act or the Promotion Act"; and any other necessary technical replacement is to be specified by Cabinet Order.

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

- Article 14 (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 (hereinafter referred to as a "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 particulars 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) content and operation period of the marine renewable energy power generation business;
  - (iv) the classification of the renewable energy power generation facilities specified in Article 3, paragraph (1) of the Renewable Energy Electricity Special Measures Act in relation to the marine renewable energy power generation facilities to be installed;
  - (v) the structures of the relevant marine renewable energy power generation facilities;
  - (vi) the methods of implementation of construction works;
  - (vii) the timing of construction works;
  - (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 set forth in item (i) in connection with transportation of personnel and materials necessary for installation, maintenance and management of the relevant marine renewable energy power generation facilities;
  - (xii) the methods of removal of the relevant marine renewable energy power generation facilities in cases where the exclusive occupancy and use period of the sea areas within the promotion zones expires or where 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 immediately preceding Article;
  - (xiv) the financial plan, and earnings and expenditure plan;
  - (xv) other matters prescribed by Order of the Ministry Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) In addition to the particulars set forth in the items of the immediately preceding paragraph, the following matters relating to the 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 Harbor Act is required;

- (ii) matters concerning the acts for which the notification under Article 38-2, paragraph (1) or (4) of the Port and Harbor Act is required
- (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 an Appointed Business Operator)

Article 15 (1) When the 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 immediately preceding Article to become an appointed business operator, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism must examine whether or not the relevant 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 permission must not be granted under Article 10, 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 and 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 set forth in the items of the above-mentioned paragraph, the Ministers is to assess all exclusive occupancy and use plans over public bidding that are found to conform to those criteria according to the assessment criteria under Article 13, paragraph (2), item (xv).
- (3) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism is to select, based on the assessment

under the immediately 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) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism intend to select an appointed business operator pursuant to the provisions of the immediately preceding paragraph, the Ministers must hear opinions of academic experts in advance pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (5) When the Minister of Land, Infrastructure, Transport and Tourism intends to select an appointed business operator pursuant to the provisions of paragraph (3) and the particulars set forth in the items of paragraph (3) of the immediately preceding Article are stated in the exclusive occupancy and use plan over public bidding submitted by the person that the Minister intends to select, the Minister must consult with the port administrator (which means the port administrator specified in Article 2, paragraph (1) of the Port and Harbor Act) in advance and obtain the consent of that port administrator to the particulars set forth in paragraph (3), item (i) of the immediately preceding Article.
- (6) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism have selected the appointed business operator pursuant to the provisions of paragraph (3), the Ministers must notify that business operator to that effect.

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

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

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

Article 17 (1) With respect to the exclusive occupancy and use plan over public bidding submitted by the appointed business operator, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism is 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, the Ministers must, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, publicly notify the outline of the 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 above-mentioned paragraph.

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

- Article 18 (1) When the appointed business operator that has received the certification under paragraph (1) of the immediately preceding Article intends to make changes to the certified 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 is 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 set forth in Article 15, paragraph (1), items (i) through (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 15, paragraph (5) and paragraph (2) of the immediately preceding Article apply mutatis mutandis to the certification of the changes pursuant to the provisions of paragraph (1).
- (4) When the appointed business operator that has received the certification under paragraph (1) of the immediately preceding Article makes minor changes prescribed by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in the proviso of paragraph (1), that business operator must notify the Minister of



Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay.

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

Article 19 (1) When the appointed business operator has obtained the certification under Article 17, paragraph (1) (including the certification of the changes pursuant to the provisions of paragraph (1) of the immediately preceding Article; hereinafter referred to as the "certification of the 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; hereinafter the "certified exclusive occupancy and use plan over public bidding").

(2) When the application for the permission under Article 10, paragraph (1) under the certified exclusive occupancy and use plan over public bidding (limited to that under item (i) of that paragraph; hereinafter the same applies in the immediately following paragraph and Article 21, paragraph (3)) was made by the appointed business operator, the Minister of Land, Infrastructure, Transport and Tourism must grant permission.

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

(Succession to the Status)

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

(i) the general successor of the appointed business operator;

(ii) the person that has obtained the ownership of the marine renewable energy power generation facilities to be installed, maintained and managed, or 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 the appointed business operator.

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

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

- (i) when the appointed business operator breaches the provisions of Article 19, paragraph (1);
  - (ii) when it is discovered that the appointed business operator has obtained the certification of the exclusive occupancy and use plan over public bidding by deception or other wrongful act.
- (2) When the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism rescind 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 rescinded pursuant to the provisions of paragraph (1), the permission under Article 10, 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 on the Port and Harbor Act)

Article 22 (1) When the exclusive occupancy and use plan over public bidding in which the particulars set forth in Article 14, paragraph (3), item (i) are stated is certified pursuant to the provisions of Article 17, paragraph (1) or Article 18, paragraph (1), the permission under Article 37, paragraph (1) of the Port and Harbor Act is deemed to have been granted to the appointed business operator to which those particulars pertain on the date of certification.

- (2) When the exclusive occupancy and use plan over public bidding in which the particulars set forth in Article 14, paragraph (3), item (ii) are stated is certified pursuant to the provisions of Article 17, paragraph (1) or Article 18, paragraph (1), the notification under the provisions of Article 38-2, paragraph (1) or (4) of the Port and Harbour Act is deemed to have been submitted.

### **Section 3 Supervision**

(Emergency Measures in Case of an Extraordinary Disaster)

- Article 23 (1) When an extraordinary disaster takes place that causes an obstruction to vessel transit, and it is essential to do so in order to secure the transit of vessels used for emergency transportation, the Minister of Land, Infrastructure, Transport and Tourism may use, expropriate, or dispose of the marine renewable energy power generation facilities or vessels, marine equipment or other property in the sea areas within the promotion zones.
- (2) The Minister of Land, Infrastructure, Transport and Tourism must compensate a person that incurs a loss as a result of the act under the provisions of the preceding paragraph.
- (3) With respect to the loss incurred as a result of the act under the provisions of paragraph (1), the Minister of Land, Infrastructure, Transport and Tourism must compensate the owner or occupier of the relevant marine renewable energy power generation facilities or 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 immediately preceding paragraph is dissatisfied with the determination of the amount, that person may seek an increase in the compensation amount by bringing a suit against the Minister of Land, Infrastructure, Transport and Tourism within six months from the day when that person receives the notification of the determination of the amount.

(Supervisory Disposition)

- Article 24 (1) The Minister of Land, Infrastructure, Transport and Tourism may order the following persons to suspend construction works and other acts, as well as remove, relocate or alter structures or vessels or other property (hereinafter in this Article referred to as "structures, etc."), install facilities or take other measures necessary to eliminate or prevent obstructions which have resulted or should result from the works and other acts or structures, etc., or restore them to their original conditions (hereinafter in paragraphs (3) and (9) referred to as "removal, etc., of structures, etc."):
- (i) a person who, in violation of the provisions of Article 10, paragraph (1), has committed the acts set forth in the items of that paragraph;
  - (ii) a person who has violated the conditions attached to the permission under Article 10, paragraph (1);
  - (iii) a person who has obtained the permission under Article 10, paragraph (1) by deception or other wrongful act;
  - (iv) a person who has breached the provisions of Article 12.
- (2) The Minister of Land, Infrastructure, Transport and Tourism may rescind the

permission under Article 10, paragraph (1), suspend its validity, change its conditions, or attach new conditions to the person falling under item (ii) or (iii) of the preceding paragraph.

- (3) When the Minister of Land, Infrastructure, Transport and Tourism intends to order removal, etc., of structures, etc., pursuant to the provisions of paragraph (1), and is without fault in being unable to ascertain the person that should be ordered to carry out the removal, etc., of structures, etc., the Minister may carry out the removal, etc., of structures, etc., 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 immediately preceding paragraph, the Minister must store the relevant structures, etc.
- (5) When the Minister of Land, Infrastructure, Transport and Tourism stores the structures, etc., pursuant to the provisions of the immediately preceding paragraph, the Minister must give public notice of the particulars prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism in order to return the relevant structures, etc., to the owner or occupier of the relevant structures, etc., or other person that owns the titles to the relevant structures (hereinafter in paragraph (9) referred to as the "owner.")
- (6) When the structures, etc., stored pursuant to the provisions of paragraph (4) are lost or are likely to be damaged, or when the relevant structures, etc., cannot be returned even after the elapse of three months from the date of public notice under the provisions of the preceding paragraph, and unreasonable costs or problems are encountered for storing them in comparison with the value of the relevant structures, etc., evaluated pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, the Minister of Land, Infrastructure, Transport and Tourism may sell the relevant structures, etc., and keep the proceeds from 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

provisions of the immediately 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 sale of the structures, etc., pursuant to the provisions of paragraph (6) may be appropriated for the expenses required for the sale.
- (9) Expenses required for the removal, storage, sale, public notice and other measures specified in paragraphs (3) through (6) is to be borne by the owner., to whom the relevant structures, etc., should be returned or another person that should order the removal of the relevant structures, etc.
- (10) If the Minister of Land, Infrastructure, Transport and Tourism cannot return the structures, etc., (including the amount of proceeds from sale pursuant to the provisions of paragraph (6); hereinafter the same applies in this paragraph) stored by the Minister pursuant to the provisions of paragraph (4) even after the elapse of six months from the date of public notice under paragraph (5), the ownership of the relevant structures, etc., vests in the State.

(Request for Report)

- Article 25 (1) The Minister of Land, Infrastructure, Transport and Tourism may, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, request the person that has obtained the permission under Article 10, paragraph (1) (excluding the appointed business operator) to submit the necessary reports, or have its officials enter into the place of the acts to which that permission pertains or the office or place of business of the person that has obtained that permission and inspect the circumstances of the acts to which that permission pertains, or structures, etc., books and records, documents and other necessary property, to the extent necessary for the enforcement of this Act.
- (2) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism may, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism, request the appointed business operator to make necessary reports, or have their officials enter into the place in which the marine renewable energy power generation facilities are developed or the office or place of business of that appointed business operator and inspect the marine renewable energy power generation facilities, books and records, documents and other necessary property, to the extent necessary for the enforcement of this Act.
  - (3) The officials who will conduct on-site inspections pursuant to the provisions of the preceding two paragraphs must carry an identification card and present it to the related persons.
  - (4) The authority to conduct the on-site inspection pursuant to the provisions of

paragraphs (1) and (2) must not be construed as being granted for criminal investigation purposes.

(Compulsory Collection)

Article 26 (1) If a person does not pay the occupancy fee or earth and sand collection fee under Article 10, paragraph (6) or the dues under Article 24, paragraph (9) (hereinafter in paragraphs (3) and (4) collectively referred to as "charges, fines, and fees") by the due date for payment, the Minister of Land, Infrastructure, Transport and Tourism must demand the payment by serving a written demand designating a time limit of the payment. In this case, the time limit of the payment to be designated in the written demand must be the day on which twenty days or more have elapsed from the day on which the written demand is served.

(2) When the Minister of Land, Infrastructure, Transport and Tourism has demanded the payment pursuant to the provisions of the preceding paragraph, the Minister may collect a delinquency charge pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism. In this case, the delinquency charge must not exceed the amount calculated at a rate of 14.5% per annum.

(3) When the person that has been demanded to make the payment pursuant to the provisions of paragraph (1) fails to pay the amount payable by that person by the designated time limit, the Minister of Land, Infrastructure, Transport and Tourism may collect the charges, fines and fees and the delinquency charge under the immediately preceding paragraph by the same procedures as used in the disposition of national tax delinquency. In this case, the statutory lien for the charges, fines, and fees and the delinquency charge has priority subordinate to the national tax and local tax.

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

#### **Chapter IV Miscellaneous Provisions**

(Provision of Information)

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

(Delegation of Orders)

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

(Transitional Measures)

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

(Delegation of Authority)

Article 30 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 V Penal Provisions**

Article 31 If an official of the State, in connection with the certification under the provisions of Article 17, paragraph (1), has committed an act that impairs the fairness of the public tender of exclusive occupancy and use in breach of the official's duties, by inciting any prospective recipient of the certification to engage in bid rigging, informing any prospective recipient of the certification of any secret concerning the public tender to which the relevant certification pertains (hereinafter referred to as "public tender of exclusive occupancy and use"), or employing any other means to that end, the official is to be punished by imprisonment with work for not more than five years or a fine of not more than 2,500,000 yen.

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

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

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

(i) a person who has, in violation of the provisions of Article 10, paragraph (1),

committed any of the acts set forth in the items of that paragraph;  
(ii) a person who has violated the provisions of Article 12.

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

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

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

### **Supplementary Provisions**

(Validity Date)

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

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

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

(Examination)

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

(Partial Amendment of the Port and Harbor Act)

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

In Article 56-3, paragraph (1), "port zone and" is amended to "port zone,"; and "the promotion zones for the development of marine renewable energy



power generation facilities specified in Article 2, paragraph (5) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities (Act No. 89of 2018)" is added following "areas of water ...".

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

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

In Article 18, paragraph (1), "water area or" is amended to "water area," and "water area " is amended to "water area or the promotion zones for the development of marine renewable energy power generation facilities specified in Article 2, paragraph (5) (definition of the promotion zones for the development of marine renewable energy power generation facilities) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities (Act No. 89of 2018)"; in paragraph (5) of that Article, "designation" is amended to "provisions," "exercise ..., or" is amended to "exercise ...", and "intends ..., or to attend ..." is amended to "to attend ..., or that the Minister of Land, Infrastructure, Transport and Tourism intends to grant permission pursuant to the provisions of Article 10, paragraph (1) (permission for the exclusive occupancy and use of the sea areas within the promotion zones) of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities, or to attend the consultation pursuant to the provision of paragraph (1) of that Article as replaced pursuant to the provisions of paragraph (3) of that Article (special provisions on construction works by the State, etc., in the sea areas within the promotion zones)."

(Transitional Measures Concerning the Penal Provisions)

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

(Partial Amendment of the Self-Defense Forces Act)

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

In Article 115-2, paragraph (3), "Article 115-24" is amended to "Article 115-

25."

The following Article is added following Article 115-24.

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

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

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

(Partial Amendment of the Marine Resources Development Promotion Act)

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

In Article 5, paragraph (2), "...)" or " is amended to "...)"; "With regard to" is amended to "With regard to ... or the promotion zones for the development of marine renewable energy power generation facilities specified in Article 2, paragraph (5) of the Act on Promoting the Utilization of Sea Areas for the

Development of Marine Renewable Energy Power Generation Facilities (Act No. 89 of 2018) (excluding those to be designated by the Minister of Agriculture, Forestry and Fisheries in consultation with the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism"; and "or the Minister of Land, Infrastructure, Transport and Tourism" is amended to ", the Minister of Land, Infrastructure, Transport and Tourism or the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism."