



## *Embassy of Japan*

**Jamaica**

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ISA 003/13

The Embassy of Japan to the International Seabed Authority presents its compliments to the Secretariat of the International Seabed Authority (ISA) and has the honor to refer to the Note no. 44/13 of the Secretariat of the ISA dated 6th February, 2013.

The Embassy of Japan has further the honor to enclose herewith the provisional translation of the Act on Interim Measures for Deep Seabed Mining in response to the request of the ISA Secretariat.

The Embassy of Japan avails itself of this opportunity to renew to the International Seabed Authority the assurances of its highest consideration.

Kingston, March 28, 2013

International Seabed Authority  
14-20 Port Royal Street  
Kingston  
Jamaica

Attachment:

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[PROVISIONAL TRANSLATION]

ACT ON INTERIM MEASURES FOR DEEP SEABED MINING

Act No. 64 of 1982

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CHAPTER 1. GENERAL PROVISIONS

(Purpose)

Article 1. This Act establishes interim measures necessary for regulating business activity in deep seabed mining so as to contribute to the promotion and extension of the public welfare through the rational development of deep seabed mineral resources and in keeping with the recent, rapid strides of international society toward a new order of the sea and other significant changes in the international environment surrounding deep seabed mining.

2. None of the provisions of this Act are meant to place the deep seabed under the sovereignty or jurisdiction of Japan or meant to infringe upon the interests of other states in their exercise of the freedom of the high seas.

(Definitions)

Article 2. In this Act, "deep seabed mineral resources" means nodule-shaped ores which include one or more minerals of the group consisting of copper, manganese, nickel, or cobalt.

2. In this Act, "deep seabed mining" means the exploration and mining activities [including sorting, refining, and other activities subsidiary to this (hereinafter referred to as "subsidiary activities")] in the deep seabed [meaning, of the seabed and subsoil of the high seas (only such portions as are not placed under the jurisdiction of any state for exploration or mining of mineral resources), the seabed and subsoil of areas where deep seabed mineral resources exist or have the possibility of existing, which areas are specified in a Ministry of Economy, Trade and Industry Ordinance].

3. In this Act, "exploration" means the exploration of deep seabed mineral resources (except that for only surveying the general state of existence of deep seabed mineral resources by methods specified in a Ministry of Economy, Trade and Industry Ordinance).

4. In this Act, "mining" means the digging of deep seabed mineral resources (including exploration carried out in parallel with this).

(Succession of Validity of Actions)

Article 3. Procedures and other actions taken pursuant to the provisions of this Act shall be valid for persons who have applied for permission of Paragraph 1, Article 4 (hereinafter referred to as "applicants") or their related successors.

## CHAPTER 2. DEEP SEABED MINING

(Permission for Deep Seabed Mining)

Article 4. Persons desiring to engage in deep seabed mining shall designate the areas for exploration or mining and obtain permission from the Minister of Economy, Trade and Industry.

2. Permission of the preceding paragraph shall be granted for the separate classifications of exploration activities and mining activities.

(Application for Permission)

Article 5. Persons who intend to obtain the permission of Paragraph 1, Article 4 shall, pursuant to the Ministry of Economy, Trade and Industry Ordinance, submit written applications to the Minister of Economy, Trade and Industry declaring the following items:

- (1) Personal name, or corporate name, and address and, for corporations, the name and address of the representative
- (2) Duration of deep seabed mining
- (3) Location of area for exploration or mining
- (4) Size of area for exploration or mining

2. Written applications of the preceding paragraph shall have attached drawings of the area for exploration or mining, written plans of work, and other documents specified in a Ministry of Economy, Trade and Industry Ordinance.

(Joint Application)

Article 6. Two or more persons jointly applying for permission of Paragraph 1, Article 4 (hereinafter referred to as "joint applicants") shall, pursuant to the Ministry of International Trade and Industry Ordinance, designate a representative and notify this to the Minister of Economy, Trade and Industry.

2. The Minister of Economy, Trade and Industry shall designate a representative when there is no notification pursuant to the provisions of the preceding paragraph.

3. Changes in the representative shall not be valid unless notified to the Minister of Economy, Trade and Industry pursuant to the Ministry of Economy, Trade and Industry Ordinance.

4. Representatives shall represent the joint applicants in relation to the State.

5. Joint applicants shall be regarded as having made a contract of partnership.

(Changes in the Area Under Application, etc.)

Article 7. Applicants may, when receiving notifications pursuant to Article 31, apply for changes in the items of No. 3 and 4, Paragraph 1, Article 5 within the range necessary for adjustment to eliminate the overlap with respect to such overlapping portions of areas under the said application.

Article 8. The Minister of Economy, Trade and Industry may, when making notification pursuant to Article 31, advise the said applicants to consult with persons applying for overlapping portions or to take other necessary measures for adjustment to eliminate overlapping portions of the areas under the said application.

2. The Minister of Economy, Trade and Industry shall, when giving advice pursuant to the preceding article, without delay notify the Minister for Foreign Affairs to that effect.

Article 9. The Minister of Economy, Trade and Industry may, in cases where having given advice pursuant to Paragraph 1 of the preceding article, order the said applicants to apply for changes in the items of No. 3 and 4, Paragraph 1, Article 5, when adjustment to eliminate the overlap with respect to such overlapping portions has clearly become impossible unless the location and shape of the areas under application of the said applicants are changed.

(Change of Names of Applicants)

Article 10. Names of applicants may be changed.

2. Changes of names of applicants shall not be valid unless notified to the Minister of Economy, Trade and Industry pursuant to the Ministry of Economy, Trade and Industry Ordinance, except in cases of inheritance or other general succession or of withdrawal of a joint applicant due to death.

3. When there is a change in the name of the applicant due to inheritance or other general succession or to withdrawal of a joint applicant due to death, the Minister of Economy, Trade and Industry shall be notified to that effect without delay.

(Disqualification Clauses)

Article 11. Persons corresponding to one of the following items may not obtain permission of Paragraph 1, Article 4.

(1) Persons who are not nationals or corporations of Japan

(2) Persons who have committed crimes prescribed in this Act or the Mine Safety Act (Act No. 70, 1949) applied mutatis mutandis pursuant to Article 39, have been punished by a sentence, and have not passed two years calculated from the day of completion of that sentence or the day upon which the execution of that sentence was cancelled.

(3) Persons who have had their permission of Paragraph 1, Article 4 cancelled pursuant to Paragraph 1, Article 20 and have not passed two years calculated from the day of that cancellation.

(4) Corporations having one of their executives engaged in the work of such corporations, corresponding either to No. 2 or the preceding item.

(Standards for Permission)

Article 12. The Minister of Economy, Trade and Industry shall not grant permission of Paragraph 1,

Article 4 unless recognizing that the applications for permission of said paragraph comply with each of the following items.

- (1) Areas under application shall not overlap areas of other persons obtaining permission of Paragraph 1, Article 4, or in cases of designation made pursuant to Paragraph 1, Article 29 with areas of other persons obtaining permission for development activities of deep seabed mineral resources from the state making such designation.
- (2) Sizes of areas for exploration or mining and the duration for engaging in deep seabed mining and, for applications for permission for mining activities, the time of commencement of mining, shall comply with the standards provided in the Ministry of Economy, Trade and Industry Ordinance.
- (3) Financial basis and technological capability shall be sufficient for proper execution of deep seabed mining.
- (4) In addition to the standards given in the preceding three items, rational and smooth development of deep seabed mineral resources shall be able to be performed properly.

2. The Minister of Economy, Trade and Industry shall not, in cases of making notification pursuant to Article 31, grant permission of Paragraph 1, Article 4 until adjustment has been made to eliminate the overlap with respect to such overlapping portions of areas under the said application. Provided, however, that this shall not apply when there is a request from the said applicant for nonoverlapping portions of the area under the said application.

(Permits)

Article 13. The Minister of Economy, Trade and Industry shall issue permits when granting permission of Paragraph 1, Article 4.

2. Permits shall declare the following items.

- (1) Classification of activities
- (2) Date of permit and number of permit
- (3) Personal name or corporate name and address
- (4) Duration for deep seabed mining activities
- (5) Location of area for exploration or mining (hereinafter referred to as "deep seabed mining area")
- (6) Size of deep seabed mining area

(Changes in Deep Seabed Mining Areas, etc.)

Article 14. Persons obtaining permission of Paragraph 1, Article 4 (hereinafter referred to as "deep seabed mining permittees") shall obtain permission from the Minister of Economy, Trade and Industry when desiring to change items from No. 4 to No. 6, Paragraph 2 of the preceding article.

2. Paragraph 2, Article 5 and Article 12 shall apply mutatis mutandis to permission of the preceding paragraph; and Article 7 to Article 9 to permission of the preceding paragraph as relating to items of No. 5 and No. 6, Paragraph 2 of the preceding article.

(Change of Names, etc.)

Article 15. Deep seabed mining permittees shall, when there occurs a change in the item of No. 3, Paragraph 2, Article 13, without delay notify the Minister of Economy, Trade and Industry to that effect.

(Joint Deep Seabed Mining Permittees)

Article 16. Persons jointly obtaining permission of Paragraph 1, Article 4 (hereinafter referred to as "joint deep seabed mining permittees") shall, pursuant to the Ministry of Economy, Trade and Industry Ordinance, designate a representative and notify this to the Minister of Economy, Trade and Industry.

2. The Minister of Economy, Trade and Industry shall designate a representative when no notification is made pursuant to the preceding paragraph.

3. Changes in the representative shall not be valid unless notified to the Minister of Economy, Trade and Industry pursuant to the Ministry of Economy, Trade and Industry Ordinance.

4. Representatives shall represent the joint deep seabed mining permittees in relation to the State.

5. Joint deep seabed mining permittees shall be regarded as having made a contract of partnership.

(Order for Application for Mining)

Article 17. The Minister of Economy, Trade and Industry may, when it is recognized that the existence of deep seabed mineral resources is apparent in the deep seabed mining areas for which the said permission is obtained and it is recognized that mining activities for the deep seabed mining areas would be appropriate taking into consideration the state of the development of technology for mining and the abundance, grade, and other factors of the deep seabed mineral resources, order deep seabed mining permittees obtaining permission for exploration activities pursuant to Paragraph 1, Article 4 to apply for permission for mining activities pursuant to the said paragraph within three months.

(Assignment and Acceptance of Deep Seabed Mining, and Merger and Demerger of Juridical Person)

Article 18. An assignment and acceptance of the whole or a part of deep seabed mining shall not be effective unless approved by the Minister of Economy, Trade and Industry.

2. A merger of a juridical person acting as deep seabed mining permittees shall not be effective unless approved by the Minister of Economy, Trade and Industry. The same shall apply to a demerger of a juridical person in which deep seabed mining permittees is to be split and another juridical person is to succeed to the deep seabed mining in whole or part or an absorption-type split in which deep seabed mining permittees is to succeed to the deep seabed mining via the split.

3. Article 11 and Paragraph 1, Article 12 shall apply mutatis mutandis to the approval of the preceding two paragraphs.

(Succession)

Article 19. In the event of an assignment of the whole of the deep seabed mining for one deep seabed mining area, or an inheritance, a merger or demerger (limited to a demerger resulting in the succession to the entire deep seabed mining for one deep seabed mining area) of deep seabed mining

permittees, the assignee of the whole of the deep seabed mining, the heir, the juridical person surviving after the merger or the juridical person newly established upon the merger, or the juridical person who has taken over the whole of the deep seabed mining upon the demerger shall succeed to the status of the deep seabed mining permittees.

2. An heir who has succeeded to the status of deep seabed mining permittees pursuant to the preceding paragraph shall without delay notify the Minister of Economy, Trade and Industry to that effect.

(Rescission, etc. of Permission)

Article 20. Where deep seabed mining permittees fall under any of the following items, the Minister of Economy, Trade and Industry may rescind the permission of Paragraph 1, Article 4 or order the suspension of said activities for a designated period of time within one year.

(1) When deep seabed mining permittees fall under any of the items of Article 11.

(2) When deep seabed mining permittees do not comply with orders pursuant to Article 17.

(3) When deep seabed mining permittees, in violation of the provisions of Article 22, has conducted deep seabed mining.

(4) When deep seabed mining permittees do not commence deep seabed mining before the time limit stipulated in Paragraph 1 or Paragraph 2, Article 23, or when they suspend deep seabed mining in violation of the provisions of Paragraph 3 of the said article.

(5) When deep seabed mining permittees, in violation of the provisions of Paragraph 2, Article 24, have conducted deep seabed mining.

(6) When deep seabed mining permittees do not comply with orders pursuant to Paragraph 2, Article 25.

(7) When deep seabed mining permittees have violated the conditions of Paragraph 1, Article 33.

(8) When deep seabed mining permittees do not comply with orders pursuant to Paragraph 2, Article 33, Article 34, or Article 35 of the Mine Safety Act applied *mutatis mutandis* pursuant to Article 34.

(9) When deep seabed mining permittees have obtained permission of Paragraph 1, Article 4 or Paragraph 1, Article 14 through wrongful means.

2. The Minister of Economy, Trade and Industry shall, in cases when having dispositions pursuant to the preceding paragraph, without delay send a written document indicating the reasons for such dispositions to the said deep seabed mining permittees.

(Abolition of Deep Seabed Mining)

Article 21. Deep seabed mining permittees shall, when abolishing their activities, without delay notify the Minister of Economy, Trade and Industry to that effect.

(Implementation of Activities)

Article 22. Deep seabed mining permittees shall not engage in such activities in any manner other than that for which permission of Paragraph 1, Article 4 or Paragraph 1, Article 14 has been granted.

Article 23. Deep seabed mining permittees shall commence their activities within six months calculated from the day of obtaining the permission of Paragraph 1, Article 4.

2. The Minister of Economy, Trade and Industry may, upon application by deep seabed mining permittees, extend the period of the preceding paragraph, provided that the Minister finds that a compelling reason for not commencing the activities by the time limit is deemed to exist.

3. Deep seabed mining permittees shall not suspend their activities for six continuous months or more. Provided, however, that this shall not apply in cases where those activities are suspended for six continuous months or more due to compelling reasons and when obtaining the approval of the Minister of Economy, Trade and Industry for a specified period.

(Plans of Work)

Article 24. Deep seabed mining permittees shall, pursuant to the Ministry of Economy, Trade and Industry Ordinance, establish plans of work and obtain the approval of the Minister of Economy, Trade and Industry before commencing the deep seabed mining. The same shall apply to changes to the plans of work.

2. Deep seabed mining permittees shall not engage in activities in any manner other than the plans of work for which an approval has been granted in accordance with the preceding paragraph.

(Changes of Plans of Work)

Article 25. The Minister of Economy, Trade and Industry may, when the Minister finds that the rational development of the deep seabed mineral resources in the deep seabed mining area would be impossible unless the plans of work of the deep seabed mining permittees is changed, recommend the said deep seabed mining permittees to change the plans of work.

2. The Minister of Economy, Trade and Industry may, when deep seabed mining permittees do not change the plans of work within 60 days from the day of receipt of the recommendation pursuant to the preceding paragraph, order to change the plans of work.

(Publication of State, etc. of Permission)

Article 26. The Minister of Economy, Trade and Industry shall, so as to contribute to applications for permission of Paragraph 1, Article 4 or Paragraph 1, Article 14, etc., prepare documents and drawings declaring the state of permission and other necessary items pursuant to the said provisions relating to deep seabed mining and make them available for public inspection.

CHAPTER 3. COMPENSATION FOR DAMAGE

(Obligation for Compensation)

Article 27. When inflicting damage on other persons through discharge of wastewater, accumulation of rubble or slag or release of mineral smoke accompanying deep seabed mining in Japan, the deep seabed mining permittee concerned at the time of the occurrence of the damage (when the permission of Paragraph 1, Article 4 has already become invalid at the time of occurrence of the damage, the deep seabed mining permittee concerned at the time when such permission has



become invalid) shall bear responsibility for compensation for that damage.

2. When the deep seabed mining permittee bearing responsibility for compensation for damage pursuant to the preceding paragraph transfers all of the deep seabed mining after the occurrence of the damage, the transferee of all the deep seabed mining shall be jointly and severally liable to compensate the damage along with the said deep seabed mining permittee bearing responsibility for compensation for the damage pursuant to the said paragraph.

3. The obligation of joint deep seabed mining permittees shall, as for compensation pursuant to the preceding two paragraphs, be joint and several.

4. In the cases prescribed in Paragraph 2, if the transferee of all of the deep seabed mining fulfilled the obligation for compensation, the transferee may claim reimbursement from the deep seabed mining permittee bearing responsibility for compensation for damage pursuant to Paragraph 1.

5. Provisions of Article 111 and Article 113 to Article 116 of the Mining Act (Act No. 289 of 1950) shall apply mutatis mutandis to compensation for damage through discharge of wastewater, accumulation of rubble or slag, or release of mineral smoke accompanying deep seabed mining in Japan.

(Mediation of Settlement)

Article 28. Provisions from Article 122 to Article 125 of the Mining Act shall apply mutatis mutandis to mediation of settlement on compensation for damage arising from deep seabed mining.

#### CHAPTER 4. DEEP SEABED MINING STATES

(Designation)

Article 29. The Minister of Economy, Trade and Industry may designate as deep seabed mining states those states whose nationals or corporations engage in development activities of deep seabed mineral resources and which are regulating the said activities in a manner not significantly differing from this Act so as to contribute to the rational and smooth development of deep seabed mineral resources.

2. The Minister of Economy, Trade and Industry shall consult with the Minister for Foreign Affairs when desiring to make designations pursuant to the preceding paragraph.

(Confirmation and Surveys)

Article 30. The Minister of Economy, Trade and Industry shall, when the applications for permission are made pursuant to Paragraph 1, Article 4 or Paragraph 1, Article 14, confirm the veracity of the items given in the following items for states designated as deep seabed mining states pursuant to Paragraph 1 of the preceding article (hereinafter referred to as "deep seabed mining states"):

(1) Applications to deep seabed mining states for permission for development activities for deep seabed mineral resources or applications for permission for changes.

(2) Permission granted by deep seabed mining states for development activities for deep seabed mineral resources or permission for change or their loss of validity.

2. The Minister for Foreign Affairs shall, for the confirmation by the Minister of Economy, Trade and Industry pursuant to the preceding paragraph, conduct the necessary survey on the items given in the items of the said paragraph for deep seabed mining states.

(Notification)

Article 31. The Minister of Economy, Trade and Industry shall, in cases of confirming the veracity of items given in No. 1, Paragraph 1, of the preceding article pursuant to the said paragraph and when the areas under application for permission of Paragraph 1, Article 4 or Paragraph 1, Article 14 overlap with all or part of the areas under application to deep seabed mining states for permission for development activities for deep seabed mineral resources or application for permission of changes, notify the persons making applications for permission of Paragraph 1, Article 4, or Paragraph 1, Article 14 of the following items:

- (1) The range of the overlapping portion of the area under application of the persons making applications for permission of Paragraph 1, Article 4 or Paragraph 1, Article 14.
- (2) The nationality, personal name, or corporate name, and address of the person making application for the said overlapping portion.
- (3) Other items necessary for adjustment to eliminate the said overlap.

(Cancellation of Designation)

Article 32. The Minister of Economy, Trade and Industry may, when recognizing that deep seabed mining states no longer correspond to the requirements of designation pursuant to paragraph 1, Article 29, cancel the designation of such state.

2. Paragraph 2, Article 29 shall apply mutatis mutandis to cancellation of designations pursuant to the preceding paragraph.

## CHAPTER 5. MISCELLANEOUS PROVISIONS

(Conditions for Permission, etc.)

Article 33. Permission or approval may have conditions attached and these conditions may be changed.

2. Conditions under the preceding paragraph shall be limited to the minimum extent necessary for the smooth execution of this Act or the sure execution of the items relating to permission or approval and shall not be such conditions as placing improper obligations on persons obtaining permission or approval.

(Fees)

Article 34. Persons given below shall pay the fees of the amount designated by Cabinet Order in consideration of actual costs.

- (1) Persons applying for permission of Paragraph 1, Article 4.
- (2) Persons making notifications pursuant to Paragraph 2, or Paragraph 3 of Article 10.
- (3) Persons applying for permission of Paragraph 1, Article 14.
- (4) Persons applying for approval of Paragraph 1 or Paragraph 2, Article 18.

(Reports and Inspections)

Article 35. The Minister of Economy, Trade and Industry may, to the extent necessary for execution of this Act, have deep seabed mining permittees make reports on their work or have his/her staff enter the place of business or the office of the deep seabed mining permittees and inspect the state of work or the books, documents, and other articles.

2. Staff making spot inspections pursuant to the preceding paragraph shall carry certificates showing their identity and shall present them to the persons concerned.

3. The authority to conduct spot inspections pursuant to Paragraph 1 shall not be construed as having been authorized for criminal investigation.

(Correction and Supplementation)

Article 36. The Minister of Economy, Trade and Industry may, when the written application of Paragraph 1, Article 5, the documents prescribed in Paragraph 2 of the said article, or the documents for application for permission of Paragraph 1, Article 14 are not complete, set an appropriate time limit and order their correction or supplementation.

2. The Minister of Economy, Trade and Industry shall, in cases where making orders pursuant to the preceding paragraph, decline the said applications when such corrections or amendments are not made within the time limit designated pursuant to the said paragraph.

(Special Provisions on Hearings)

Article 37. The Minister of Economy, Trade and Industry shall, when intending to take action pursuant to Article 17, Paragraph 1, Article 20, and Paragraph 2, Article 25, hold a hearing regardless of the categories of procedures for hearing statements of opinion under the provisions of Paragraph 1, Article 13 of the Administrative Procedure Act (Act No. 88 of 1993).

2. Proceedings on the date of a hearing with respect to a disposition under Article 17, Paragraph 1, Article 20, and Paragraph 2, Article 25 shall be open to the public.

3. A person responsible for a hearing set forth in the preceding paragraph shall, when interested persons pertaining to a relevant disposition has requested, pursuant to the provision of Article 17, paragraph 1 of the Administrative Procedure Act, to participate in the proceedings of said hearing, grant permission.

(Hearing of Opinion in Procedures for Objection)

Article 38. Any decision on a request for an objection with respect to a disposition made pursuant to this Act or any order issued thereunder shall be made after giving advance notice of a reasonable

period to the person subject to the disposition and holding a public hearing.

(Application Mutatis Mutandis of the Mine Safety Act)

Article 39. For ensuring safety accompanied by deep seabed mining, the provisions of the Mine Safety Act shall apply mutatis mutandis (excluding the provisions of Paragraph 1, Article 33, Article 51, and the provisions from Article 53 to Article 57). In this case, the provisions of the said act (excluding the provisions of Paragraph 1, Article 2 and Article 11) shall have "mining concessionees" read "deep seabed mining permittees prescribed in Paragraph 1, Article 14 of the Act on Interim Measures for Deep Seabed Mining;" "the Minister of Economy, Trade and Industry or the Director of a Regional Industrial Safety and Inspection Department" read "the Minister of Economy, Trade and Industry;" "outside the mining area or outside the general mining area" read "outside the deep seabed mining area prescribed in No. 5, Paragraph 2, Article 13 of the Act." Paragraph 1 and the provisions from Paragraph 3 to Paragraph 5, Article 13, Article 15, Paragraph 4, Article 22, Paragraph 1, Article 23, Paragraph 1, Article 24, Paragraph 1, Article 31, Paragraph 2, Article 33, Paragraph 2, Article 33, the provisions from Article 35 to Article 38, Paragraph 1, Article 39, Article 41, Article 42, Paragraph 1 and Paragraph 3, Article 44, Paragraph 1 and Paragraph 2, Article 45, and Article 48 of the said act shall have "when there occurs a transfer of the mining rights" read "when there occurs succession of the position of deep seabed mining permittees prescribed in Paragraph 1, Article 14 of the Act on Interim Measures for Deep Seabed Mining." Paragraph 2, Article 33 of the said act shall have "plans of work" read "plans of work pursuant to Paragraph 1, Article 24 of the Act on Interim Measures for Deep Seabed Mining." Paragraph 1, Article 39 of the said act shall have "mining rights are extinguished" read "permission of Paragraph 1, Article 4 of the Act on Interim Measures for Deep Seabed Mining become invalid." Article 42 of the said act shall have "mining office" read "place designated by Ministerial Ordinance."

(The Central Mine Safety Council)

Article 39-2. For the purpose of ensuring safety accompanied by deep seabed mining, the Central Mine Safety Council pursuant to Article 51 of the Mine Safety Act shall take charge of the following affairs:

- (1) Dealing with the matters that are caused to belong to its authority by Article 52 of the Mine Safety Act applied mutatis Mutandis in the preceding Article.
- (2) Studying and deliberating important matters for safety accompanied by deep seabed mining in response to the consultations by the Minister of Economy, Trade and Industry.
- (3) Stating its opinion on the important matters prescribed in the preceding item to the Minister of Economy, Trade and Industry.

(Exclusions from Application)

Article 40. Provisions of this Act shall not apply in cases where nationals or corporations of Japan in partnerships, stipulated in the Ministry of Economy, Trade and Industry Ordinance, with nationals or corporations of foreign states obtaining permission from deep seabed mining states for development activities for deep seabed mineral resources (hereinafter referred to as "foreign deep seabed mining permittees") and which have obtained the certification of the Minister of Economy, Trade and Industry for the said relationship with the said foreign deep seabed mining permittees engage in deep seabed mining through the permission from the said deep seabed mining state obtained by the said

foreign deep seabed mining permittees.

(Transitional Measures)

Article 41. When an order is enacted, changed, or abolished based on the provisions of this Act, that order may establish transitional measures (including transitional measures concerning penal provisions) within the scope judged to be reasonably necessary in conjunction with its enactment, change or abolition.

(Delegation to Cabinet Order)

Article 42. In addition to the provisions of this Act, cabinet order may provide for necessary provisions for the technical replacement relating to the application of acts and regulations regarding deep seabed mining.

(Effect of Treaties)

Article 43. Matters provided in this Act shall be governed by as otherwise provided by other treaties.

## CHAPTER 6. PENAL PROVISIONS

Article 44. Persons corresponding to one of the following items shall be punished by imprisonment of not more than five years or a fine of not more than 1,000,000 yen or shall be subject to cumulative imposition thereof.

- (1) Persons engaging in deep seabed mining without obtaining permission pursuant to Paragraph 1, Article 4.
- (2) Persons engaging in deep seabed mining in violation of Article 22.
- (3) Persons obtaining permits of Paragraph 1, Article 4 or Paragraph 1, Article 14 through fraud or other illegal means.

2. Persons who, through negligence, engage in deep seabed mining (except subsidiary activities) outside deep seabed mining areas shall be punished by a fine of not more than 500,000 yen.

Article 45. Persons who knowingly transport, store, acquire with or without compensation, or mediate or arrange disposal of deep seabed mineral resources relating to crimes of No. 1, Paragraph 1 of the preceding article shall be punished by imprisonment of not more than five years or a fine of not more than 1,000,000 yen or shall be subject to cumulative imposition thereof.

Article 46. Persons corresponding to one of the following items shall be punished by imprisonment of not more than one year or a fine of not more than 200,000 yen.

- (1) Persons violating orders for suspension of activities pursuant to Paragraph 1, Article 20.
- (2) Persons engaging in deep seabed mining in violation of Paragraph 2, Article 24.
- (3) Persons violating orders pursuant to Paragraph 2, Article 25.

Article 47. Persons failing to make reports or making false reports pursuant to Paragraph 1, Article 35 or refusing, obstructing or evading inspections pursuant to the said paragraph shall be punished

by a fine of not more than 100,000 yen.

Article 48. When the representative of a juridical person, or an agent, employee or other worker of a juridical person or individual commits any one of the violations set forth in the provisions from Article 44 to the preceding Article with regard to the business of such juridical person or individual, not only the offender shall be punished but also such juridical person or individual shall be punished by the fine prescribed in the respective Articles.



# INTERNATIONAL SEABED AUTHORITY

Note no. 44/13

The Secretariat of the International Seabed Authority presents its compliments to members of the Authority and has the honour to refer to the decision of the Council of the International Seabed Authority (ISBA/18/C/21) adopted at its 180th meeting on 26 July 2012.

In its decision, the Council requested the Secretary-General to update, on an annual basis, the Secretariat's study of these laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to the activities in the Area (ISBA/18/C/8 of 4 May 2012 and ISBA/18/C/8/Add.1 of 26 June 2012), and also invited sponsoring States and other members of the Authority to provide texts of such instruments to the Secretariat. Some delegations also suggested that a database be established by the Secretariat on the website of the Authority to provide easy accesses to information on and texts of these laws, regulations and administrative measures for members of the Authority and the general public.

In accordance with the decision of the Council, the Secretariat has the honour to invite sponsoring States and other members of the Authority to submit to the Secretariat, by 31 March 2013, texts of their relevant national laws, regulations and administrative measures, so as to enable the Secretariat to prepare the Secretary-General's report on the subject to the Council in 2013. In the event members of the Authority do not yet have such laws, regulations and administrative measures, but are in the process of reviewing them or have relevant policies towards legislating in this regard, the Secretariat invites such members to provide it with information on the status of such process and their policies.

The Secretariat further has the honour to inform members of the Authority that trial webpages of a database containing information on and texts of such national laws, regulations and administrative measures as currently received and collected by the Secretariat are now set up on the website of the Authority at <http://www.isa.org.jm/en/mcode/NatLeg>

The Secretariat of the Authority avails itself of this opportunity to renew to member of the Authority the assurances of its highest consideration.

6 February 2013



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