

APPENDIX IV
INFORMATION ON ROLES AND RESPONSIBILITIES OF NATIONAL AND ITS LOCAL
AUTHORITIES FOR THE PREVENTION OF OIL SPILL AND THE REMOVAL OF SPILLED OIL

Nation : Japan

The roles and responsibilities of masters, ship owners, national and its local authorities, in a case that spill or discharge of oil or noxious liquid substances from a ship takes place, are specified by the Law Relating to the Prevention of Marine Pollution and Maritime Disaster, the outlines of which are mentioned as below.

(For masters)

- 1 When a discharge of a large quantity of oil or noxious liquid substances has taken place, the master of the ship or the master of the other ship on which the person who committed an act which resulted in the discharge is on board shall immediately take emergency measures for the prevention of the dispersion of, for the subsequent discharge of, and for the removal of the discharged oil or the noxious liquid substances. (herein after called as “the prevention and removal of discharged oil and similar”)

(Article 39-1, Penal Code: Article 55-1)

(For ship owners and national authorities)

- 2 When a discharge of a large quantity of oil or noxious liquid substances has taken place, the owner of the ship or the employer of the person who committed an act which resulted in the discharge shall immediately take necessary measures for “the prevention and removal of discharged oil and similar”.

(Article 39-1-2)

- 3 The commandant of the Japan Coast Guard may, when he deems that the person specified in the paragraph 2 above has not taken the necessary measures, order such person to take the necessary measures for “the prevention and removal of discharged oil and similar”. **(Article 39-1-3, Penal Code: Article 55-1)**

- 4 The commandant of the Japan Coast Guard may, in a case where it is required urgently to take measures for “the prevention and removal of discharged oil and similar” and where it is recognized that the person bound to take the measures in accordance with the paragraph 3 above has failed to take the measures, or that there is no time to order the person to take measures in accordance with the paragraph 3 above, direct the Maritime Disaster Prevention Center to take measures which are considered to be necessary. In this case the Center can charge the owner of the ship which carried the discharged oil or noxious liquid substances the expenses for the measures taken by the Center. **(Article 42-26-1, Article 42-27-1)**

(For masters, ship owners and national authorities)

- 5 The commandant of the Japan Coast Guard may, in a case where a marine casualty such as collision, stranding, engine trouble has taken place and where he considers that there is a fear of a large quantity of discharge of oil or noxious liquid substances and that the measures to prevent the discharge of those must be taken immediately, order the master or the owner of the ship to take the necessary measures for the prevention of discharge of such large quantity of oil or noxious liquid substance including the removal of those from the ship. **(Article 39-1-5, Penal Code: Article 55-1)**

- 6 The commandant of the Japan Coast Guard may, when he has taken measures to remove discharged oil, noxious liquid substances, wastes and similar, to remove from the ship oil or noxious liquid substances which gives a fear of discharge, or to remove the sunk or stranded ship and other necessary measures to prevent marine pollution, in a case where he considered that the persons who are required to take measures under the paragraphs 1, 2, 3 and 5 above do not take such measures or that it is difficult to prevent the marine pollution only by the measures taken by the persons above, charge the owner of the ship which carried the discharged oil, noxious liquid substances, wastes or similar, of the ship which carried oil or noxious liquid substances which is feared to give a discharge from the ship or of the ship sunk or stranded the expenses for the measures taken. **(Article 41-1)**

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