

Japanese Maritime Law Association

3rd Floor, Kaiji Center Bldg., 4-5 Kojimachi, Chiyoda-ku, Tokyo 102-0083, Japan

TEL: 03-3265-0770 FAX: 03-3265-0873 E-mail: info@jmla.jp

September 26, 2013

Dear Mr. Patrick Griggs,

Here is the response of Japanese Maritime Law Association to the questionnaire of International Working Group on Offshore activities - pollution liability and related issues. Since the activities around Japanese territory have not been active, there is very few regulation specific to the pollution damage caused by such activities.

**1) Is your country a party to any of the instruments listed under 1 to 3 above or, in the case of OPOL, are the offshore operators in your country parties to that agreement? If so please advise whether issues of liability and compensation are adequately addressed by the instrument itself or by any subsidiary national legislation.**

Japan is not a party to any of the listed instruments.

**2) If your country is not a party to any of the instruments listed under 1 to 3 above, is it party to any other form of regional or bilateral agreements which address the issues of liability and compensation? May we please have details of any such agreement?**

Japan does not participate in any form of regional or bilateral agreements of the kind.

**3) Please identify the national regulations which are applied to offshore oil and gas exploration and exploitation operations by the authorities in your country?**

Act on Prevention of Marine Pollution and Maritime Disaster (Act No.136 of 1970. latest revision by Act No.39 of 2013) would apply to the offshore exploration and exploitation operations. However, the Act does not provide for liability of the operator. Operator's civil liabilities would be based on applicable general rules that are not specific to offshore exploration or exploitation. For instance, Mining Act (Act No. 289 of 1950) provides for strict liability for damages resulting from "excavation of land to mine minerals, discharge of mine water or waste water, heaps of waste rock or slag, or discharge of metallurgical smoke" (Article 109(1)).



Tomotaka Fujita

Acting Secretary General  
Japanese Maritime Law Association