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This English translation of the Act on Confirmation, etc. of Release Amounts of Specific Chemical Substances in the Environment and Promotion of Improvements to the Management Thereof has been translated (through the revisions of Act No. 152 of December 13, 2002 (Effective February 3, 2003) in compliance with the Standard Bilingual Dictionary (August 2006 edition).

This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and the translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations.

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## **Act on Confirmation, etc. of Release Amounts of Specific Chemical Substances in the Environment and Promotion of Improvements to the Management Thereof**

(July 13, 1999)

(Act No. 86)

145th Session of the Diet

Obuchi Diet

The Act on Confirmation, etc. of Release Amounts of Release of Specific Chemical Substances in the Environment and Promotion of Improvements to the Management Thereof shall be promulgated as below.

## **Act on Confirmation, etc. of Release Amounts of Specific Chemical Substances in the Environment and Promotion of Improvements to the Management Thereof**

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## **Chapter 1 General Provisions**

### **Article 1 (Purpose)**

The purpose of this Act is to promote voluntary improvement of the management of chemical substances by business operators and to prevent any impediments to the preservation of the environment by taking measures on confirmation of release amounts, etc. of specific chemical substances in the environment, measures on provision of information concerning the properties and handling of specific chemical substances by business operators, and other relevant measures, while giving consideration to the trend of international harmonization on management of chemical substances pertaining to the preservation of the environment, taking into account scientific knowledge on chemical substances and the status of manufacture, use, and other handling of chemical substances, and gaining the understanding of business operators and citizens.

### **Article 2 (Definitions, etc.)**

- (1) The term “Chemical Substance” as used in this Act shall mean an element and a compound (excluding a radioactive substance in either case).
- (2) The term “Class I Designated Chemical Substance” as used in this Act shall mean a chemical substance that falls under any of the following items and is found to continuously exist in the environment of a considerably wide area in view of its physical and chemical properties, the status of its manufacture, import, use, or generation or other factors, and that is specified by a Cabinet Order:
  - (i) Said Chemical Substance is likely to injure human health or is likely to cause impediments to the inhabitation or growth of animals and plants.
  - (ii) In the case where said Chemical Substance does not fall under the preceding item, a Chemical Substance easily formed by naturally

occurring chemical transformation of said Chemical Substance falls under the same item.

(iii) Said Chemical Substance is likely to injure human health by depleting the ozone layer and increasing the amount of solar ultraviolet radiation reaching the surface of the earth.

(3) The term "Class II Designated Chemical Substance" as used in this Act shall mean a Chemical Substance that falls under any of the items of the preceding paragraph and is expected to continuously exist in the environment of a considerably wide area in view of its physical and chemical properties, the status of its manufacture, import, use, or generation or other factors (excluding a Class I Designated Chemical Substance) and that is specified by a Cabinet Order.

(4) The Cabinet Order referred to in the preceding two paragraphs shall be established by taking into account the international trend on management of chemical substances pertaining to the preservation of the environment, scientific knowledge on chemical substances, the status of manufacture, use, and other handling of chemical substances and other factors, and giving sufficient consideration so as to prevent any injury to human health and impediments to the inhabitation or growth of animals and plants caused by environmental pollution by chemical substances.

(5) The term "Business Operator Handling a Class I Designated Chemical Substance, etc." as used in this Act shall mean a business operator who falls under any of the following items, engages in a type of business specified by a Cabinet Order, and satisfies the requirements specified by a Cabinet Order when taking into consideration the handling amount, etc. of a Class I Designated Chemical Substance by said business operator:

(i) A natural or juridical person engaged in the business of manufacturing a Class I Designated Chemical Substance, a natural or juridical person who uses in the course of trade a Class I Designated Chemical Substance or a product containing a Class I Designated Chemical Substance that satisfies the requirements specified by a Cabinet Order (hereinafter referred to as a "Class I Designated Chemical Substance, etc."), and any other natural or juridical person who handles a Class I Designated Chemical Substance, etc. in the course of trade

(ii) A natural or juridical person other than those who are set forth in the preceding item who is expected to incidentally generate or release a Class I Designated Chemical Substance in the course of

business activities

(6) The term "Business Operator Handling a Designated Chemical Substance, etc." as used in this Act shall mean a business operator who falls under any of the items of the preceding paragraph, engages in the manufacture of a Class II Designated Chemical Substance, uses in the course of trade a Class II Designated Chemical Substance or a product containing a Class II Designated Chemical Substance that satisfies the requirements specified by a Cabinet Order (hereinafter referred to as a "Class II Designated Chemical Substance, etc."), or otherwise handles a Class II Designated Chemical Substance, etc. in the course of trade.

(Partially revised by Act No. 152 of 2002)

### **Article 3 (Chemical Substance Management Guidelines)**

(1) In order to promote voluntary improvement of the management of chemical substances by business operators and to prevent any impediments to the preservation of the environment, the competent minister shall establish guidelines on measures pertaining to management of Class I Designated Chemical Substances, etc. and Class II Designated Chemical Substances, etc. (hereinafter referred to as "Designated Chemical Substances, etc."), which should be taken by Business Operators Handling Designated Chemical Substances, etc. (hereinafter referred to as the "Chemical Substance Management Guidelines"), by taking into consideration scientific knowledge of the physical and chemical properties of the chemical substances and the trends of technology concerning manufacture, use, and other handling of chemical substances.

(2) The Chemical Substance Management Guidelines shall provide for the following matters:

(i) Matters concerning methods of management of Designated Chemical Substances, etc. including improvement of facilities pertaining to manufacture, use or other handling of Designated Chemical Substances, etc.

(ii) Matters concerning the rational use of Designated Chemical Substances, etc. including the recovery and reutilization of Designated Chemical Substances, etc. in their manufacturing process

(iii) Matters concerning promotion of the understanding of citizens about the methods of management of and the rational use of Designated Chemical Substances, etc. and the status of release of Class I Designated Chemical Substance

(iv) Matters concerning utilization of information on the properties and

handling of Designated Chemical Substances, etc.

- (3) When the competent minister intends to establish or change the Chemical Substance Management Guidelines, he/she shall confer with the heads of the relevant administrative organs.
- (4) When the competent minister has established or changed the Chemical Substance Management Guidelines, he/she shall make them public without delay.

#### **Article 4 (Responsibilities of Business Operators)**

A Business Operator Handling a Designated Chemical Substance, etc. shall implement management pertaining to manufacture, use, or other handling of the Designated Chemical Substance, etc. and endeavor to promote the understanding of citizens about the status of such management, by recognizing that the Class I Designated Chemical Substance or the Class II Designated Chemical Substance falls under any of the items of Article 2, paragraph 2, such as being likely to impair human health, with consideration to the Chemical Substance Management Guidelines.

### **Chapter 2 Confirmation, etc. of Release Amounts, etc. of Class I Designated Chemical Substances**

#### **Article 5 (Confirmation and Notification of Release Amounts, etc.)**

- (1) A Business Operator Handling a Class I Designated Chemical Substance, etc. shall confirm, pursuant to the provisions of an ordinance of the competent ministry, the release amount (which means an amount derived as the amount of Class I Designated Chemical Substance released in the environment at the relevant place of business by a method of calculation based on the changing amount of the relevant Class I Designated Chemical Substance in the process of manufacture, use, or other handling of the Class I Designated Chemical Substance, etc. or by another method specified by an ordinance of the competent ministry; the same shall apply in the following paragraph and Article 9, paragraph 1) and the transferred amount (which means the amount derived by a method specified by an ordinance of the competent ministry as the amount of Class I Designated Chemical Substance transferred to outside of the relevant place of business in line with the processing of the waste pertaining to the business activities outside of said place of business; the same shall apply in the following paragraph) of the Class I Designated Chemical Substance in

the course of its business activities.

- (2) Pursuant to the provisions of an ordinance of the competent ministry, a Business Operator Handling a Class I Designated Chemical Substance, etc. shall notify the competent minister of matters specified by an ordinance of the competent ministry concerning the release amount and the transferred amount of the Class I Designated Chemical Substance in the previous fiscal year, as confirmed pursuant to the provisions of the preceding paragraph every fiscal year for each Class I Designated Chemical Substance and each place of business.
- (3) The notification under the preceding paragraph (excluding the one concerning the Class I Designated Chemical Substance specified in the request under paragraph 1 of the following Article) shall be given via the prefectural governor having jurisdiction over the location of the place of business pertaining to said notification. In this case, said prefectural governor may append an opinion concerning the matters reported in said notification.

#### **Article 6 (Changing the Name to That of the Corresponding Chemical Substance Category)**

- (1) On the basis that information relating to use or other handling of a Class I Designated Chemical Substance reported in a notification under paragraph 2 of the preceding paragraph is a production method or other technical information useful for business activities that is kept as a secret and not known to the public, a Business Operator Handling a Class I Designated Chemical Substance, etc. may request the competent minister to give a notice under paragraph 1 of the following Article by using the name of the category to which said Class I Designated Chemical Substance belongs and which is specified by an ordinance of the competent ministry (hereinafter referred to as the “Name of the Corresponding Chemical Substance Category”) instead of the name of said Class I Designated Chemical Substance.
- (2) When a Business Operator Handling a Class I Designated Chemical Substance, etc. makes a request set forth in the preceding paragraph, said business operator shall make the request by appending the reason thereof pursuant to the provisions of an ordinance of the competent ministry together with a notification under paragraph 2 of the preceding Article.
- (3) When a request set forth in paragraph 1 has been made, the competent minister shall, without delay, notify the prefectural governor having jurisdiction over the location of the place of business relevant to the Class I Designated Chemical Substance specified in said request of

the matters reported in a notification under paragraph 2 of the preceding Article that pertain to said Class I Designated Chemical Substance (hereinafter referred to as a "Relevant Prefectural Governor"), by using the Name of the Corresponding Chemical Substance Category instead of the name of said Class I Designated Chemical Substance.

- (4) When the competent minister approves a request set forth in paragraph 1, he/she shall decide to that effect and give a notice to that effect to the Business Operator Handling a Class I Designated Chemical Substance, etc. who has made said request.
- (5) When the competent minister does not approve a request set forth in paragraph 1, he/she shall decide to that effect and give a notice to that effect and the reasons thereof to the Business Operator Handling a Class I Designated Chemical Substance, etc. who has made said request.
- (6) A decision set forth in the preceding two paragraphs shall be made within 30 days from the day on which a request set forth in paragraph 1 was made.
- (7) Notwithstanding the provisions of the preceding paragraph, the competent minister may extend the period set forth in the same paragraph by only up to 30 days, when there is a difficulty in administrative processing or any other justifiable reason.
- (8) When a Business Operator Handling a Class I Designated Chemical Substance, etc. needs to maintain the Name of the Corresponding Chemical Substance Category that was recorded in a file pursuant to the provisions of Article 8, paragraph 1 in any fiscal year preceding the current fiscal year, said business operator shall make a request to the competent minister to that effect pursuant to the provisions of a Cabinet Order every fiscal year.
- (9) The provisions from paragraphs 4 to 7 inclusive shall apply mutatis mutandis to a request set forth in the preceding paragraph. In this case, the term "paragraph 1" in the provisions from paragraphs 4 to 6 inclusive shall be deemed to be replaced with "paragraph 8."

#### **Article 7 (Notice, etc. of the Notified Matters)**

- (1) When a notification under Article 5, paragraph 2 has been given, the competent minister shall notify the Minister of Economy, Trade and Industry and the Minister of the Environment of the matters reported in said notification without delay; provided, however, that when a request set forth in paragraph 1 of the preceding Article has been made

with regard to the name of a Class I Designated Chemical Substance, the name of said Class I Designated Chemical Substance in the matters reported in said notification shall be notified by using the Name of the Corresponding Chemical Substance Category.

- (2) When the competent minister has made a decision set forth in paragraph 5 of the preceding Article (including cases where it is applied *mutatis mutandis* pursuant to paragraph 9 of the same Article; the same shall apply hereinafter) he/she shall give notification of the name of the Class I Designated Chemical Substance pertaining to said decision to the Minister of Economy, Trade and Industry, the Minister of the Environment, and the Relevant Prefectural Governors pertaining to said decision. In this case, said notice shall be given promptly after the day on which two weeks have elapsed from the day a notice was given to a Business Operator Handling a Class I Designated Chemical Substance, etc. under paragraph 5 of the same Article.
- (3) When the competent minister has made a decision set forth in paragraph 4 of the preceding Article (including cases where it is applied *mutatis mutandis* pursuant to paragraph 9 of the same Article) in any fiscal year preceding the current fiscal year and when a request set forth in paragraph 8 of the same Article has not been made in the current fiscal year, he/she shall give notification of the name of the Class I Designated Chemical Substance pertaining to said decision to the Minister of Economy, Trade and Industry, the Minister of the Environment, and the Relevant Prefectural Governors pertaining to said decision.
- (4) The Minister of the Environment may, where he/she finds it necessary, request the competent minister to provide an explanation on the matters that have been notified pursuant to the provisions of Article 5, paragraph 2 with regard to the Class I Designated Chemical Substance pertaining to a notice under the proviso to paragraph 1.
- (5) When a Relevant Prefectural Governor finds it necessary, he/she may request, pursuant to the provisions of an ordinance of the competent ministry, that the competent minister provide an explanation on the matters that have been notified pursuant to the provisions of Article 5, paragraph 2 regarding the Class I Designated Chemical Substance specified in a notice under paragraph 3 of the preceding Article, which has been given in connection with the jurisdictional district of said prefectural governor.

(Partially revised by Act No. 160 of 1999)

### **Article 8 (Aggregation, etc. of Notified Matters)**

- (1) Pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry and an Ordinance of the Ministry of the Environment, the Minister of Economy, Trade and Industry and the Minister of the Environment shall record the matters that were notified, pursuant to the provisions of paragraphs 1 to 3 inclusive of the preceding Article, in a file in a computer.
  - (2) Pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry and an Ordinance of the Ministry of the Environment, when the Minister of Economy, Trade and Industry and the Minister of the Environment have carried out the recording under the preceding paragraph, they shall, without delay, notify the competent minister of the matters recorded in the file set forth in the same paragraph (hereinafter referred to as "Matters Recorded in the File") that pertain to places of business engaged in the business under the jurisdiction of said competent minister and notify prefectural governors of the Matters Recorded in the File that pertain to places of business located in the prefectural districts under the jurisdiction of said prefectural governors.
  - (3) The Minister of Economy, Trade and Industry and the Minister of the Environment shall aggregate the Matters Recorded in the File without delay pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry and an Ordinance of the Ministry of the Environment.
  - (4) The Minister of Economy, Trade and Industry and the Minister of the Environment shall, without delay, notify the competent minister and prefectural governors of the results aggregated pursuant to the provisions of the preceding paragraph and make them public.
  - (5) When a notice under paragraph 2 has been given, the competent minister and prefectural governors may aggregate the matters pertaining to said notice and make the results public.
- (Partially revised by Act No. 160 of 1999)

### **Article 9 (Calculation, etc. of Release Amounts Other than Those Notified)**

- (1) By gaining the cooperation of the relevant administrative organs, the Minister of Economy, Trade and Industry and the Minister of the Environment shall calculate the release amounts of Class I Designated Chemical Substances associated with the business activities of business operators other than Business Operators Handling Class I Designated

Chemical Substances, etc. and the amounts of Class I Designated Chemical Substances that are assumed to be released in the environment apart from the release amounts of Class I Designated Chemical Substances that have been notified pursuant to the provisions of Article 5, paragraph 2 for each of the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry and an Ordinance of the Ministry of the Environment.

- (2) The Minister of Economy, Trade and Industry and the Minister of the Environment shall aggregate pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry and an Ordinance of the Ministry of the Environment the results calculated under the preceding paragraph and make such results public together with the results aggregated under paragraph 4 of the preceding Article. (Partially revised by Act No. 160 of 1999)

**Article 10 (Right to Request for Disclosure)**

- (1) When publication under Article 8, paragraph 4 has been given, any person may request the competent minister to disclose Matters Recorded in the File that are included in the aggregation results pertaining to said publication and that are possessed by said competent minister, after the day of said publication.
- (2) A request set forth in the preceding paragraph (hereinafter referred to as a "Disclosure Request") shall be made by clarifying the following matters:
- (i) The name and domicile or residence of the person making the Disclosure Request and, in the case of a juridical person or any other organization, the name of the representative
  - (ii) The name and location of the place of business and other matters sufficient for identifying the place of business pertaining to the Disclosure Request

**Article 11 (Duty of Disclosure of Release Amounts, etc.)**

When a Disclosure Request has been made, the competent minister shall promptly disclose the portion of the Matters Recorded in the File that pertains to said Disclosure Request to the person who made said Disclosure Request.

**Article 12 (Implementation of Research, etc.)**

The State shall comprehensively and effectively carry out research to gain understanding of the status of the environment as it pertains to Class I

Designated Chemical Substance, and research to gain scientific knowledge about the influences of Class I Designated Chemical Substances on human health and inhabitation of animals and plants, by taking into consideration the results prescribed in Article 8, paragraph 4 and Article 9, paragraph 2 as well as the domestic and overseas trends of safety assessment of Class I Designated Chemical Substances, and shall make the results public.

**Article 13 (Request for Provision of Materials, etc.)**

With regard to research prescribed in the preceding Article that is carried out by the State in the district of the relevant prefecture, a prefectural governor may request necessary materials from or state opinions to the head of the administrative organ that carried out said research.

**Chapter 3 Provision of Information, etc. by Business Operators Handling Designated Chemical Substances, etc.**

**Article 14 (Provision of Information on the Properties and Handling of Designated Chemical Substances, etc.)**

- (1) When a Business Operator Handling a Designated Chemical Substance, etc. transfers or provides a Designated Chemical Substance, etc. to another business operator, said business operator shall provide information on the properties and handling of said Designated Chemical Substance, etc. to the party to which the transfer or provision is to be made by delivering a document or a magnetic disk or any other method specified by an Ordinance of the Ministry of Economy, Trade and Industry by the time of the transfer or provision.
- (2) When there is a need to change the contents of information on the properties or handling of a Designated Chemical Substance, etc. provided pursuant to the provisions of the preceding paragraph, a Business Operator Handling a Designated Chemical Substance, etc. shall endeavor to promptly provide the changed information on the properties and handling of said Designated Chemical Substance, etc. to the party to which the transfer or provision was made by delivering a document or a magnetic disk or any other method specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (3) In addition to what is provided for in the preceding two paragraphs, necessary matters concerning provision of information prescribed in the preceding two paragraphs shall be specified by an Ordinance of the

Ministry of Economy, Trade and Industry.  
(Partially revised by Act No. 160 of 1999)

**Article 15 (Recommendations and Publication)**

- (1) When any Business Operator Handling a Designated Chemical Substance, etc. is in violation of the provisions of paragraph 1 of the preceding Article, the Minister of Economy, Trade and Industry may recommend said Business Operator Handling a Designated Chemical Substance, etc. to provide necessary information in accordance with the provisions of the same paragraph.
- (2) If a Business Operator Handling a Designated Chemical Substance, etc. that has received a recommendation under the preceding paragraph fails to follow the recommendation, the Minister of Economy, Trade and Industry may publicize to that effect.

(Partially revised by Act No. 160 of 1999)

**Article 16 (Collection of Report)**

The Minister of Economy, Trade and Industry may, as far as it is necessary for the enforcement of the provisions of this Chapter, have a Business Operator Handling a Designated Chemical Substance, etc. make a report on the provision of information on the properties and handling of the Designated Chemical Substance, etc. of said business operator.

(Partially revised by Act No. 160 of 1999)

**Chapter 4 Miscellaneous Provisions**

**Article 17 (Measures by the State and Local Public Entities)**

- (1) The State shall endeavor to increase the scientific knowledge on the properties of chemical substances and develop testing methods and other technical methods concerning safety assessment of chemical substances, while giving sufficient consideration to international trends of safety assessment of chemical substances.
- (2) The State shall endeavor to prepare and promote use of a database (a collection of theses, numerical values, figures, and other information that are systematically composed so as to enable computer searches of such information) pertaining to information on the properties and handling of chemical substances.
- (3) The State and local public entities shall endeavor to provide technical advice and take other measures to promote voluntary improvement of the management of Designated Chemical Substances, etc. by Business

Operators Handling Designated Chemical Substances, etc.

- (4) The State and local public entities shall endeavor to increase the understanding of citizens about the properties and management of Designated Chemical Substances, etc. and the status of release of Class I Designated Chemical Substances through activities such as educational activities and public relations activities.
- (5) The State and local public entities shall endeavor to develop necessary human resources for performing the responsibilities set forth in the preceding two paragraphs.

#### **Article 18 (Hearing of Opinions at a Council, etc.)**

When the Minister of Health, Labour and Welfare, the Minister of Economy, Trade and Industry and the Minister of the Environment intend to plan the establishment or revision of a Cabinet Order set forth in Article 2, paragraph 2 or paragraph 3, they shall hear in advance the opinions of the council, etc. (which means organs prescribed in Article 8 of the National Administrative Organization Act [Act No. 120 of 1948]) specified by a Cabinet Order.

(Partially revised by Act No. 160 of 1999)

#### **Article 19 (Fees)**

A person who receives disclosure of Matters Recorded in the File shall pay a fee pertaining to implementation of the disclosure of the amount specified by a Cabinet Order within an amount not exceeding the actual cost, pursuant to the provisions of a Cabinet Order.

#### **Article 20 (Notification by a Magnetic Disk, etc.)**

- (1) The competent minister may accept a notification under Article 5, paragraph 2 or a request under Article 6, paragraph 1 or paragraph 8 by a magnetic disk (including an object that may securely record certain matters by an equivalent method; the same shall apply hereinafter) pursuant to the provisions of a Cabinet Order.
- (2) The competent minister may give notice under Article 6, paragraph 4 or paragraph 5 (including cases where these provisions are applied mutatis mutandis pursuant to paragraph 9 of the same Article) by a magnetic disk pursuant to the provisions of a Cabinet Order.
- (3) The competent minister may accept a request under Article 10, paragraph 1 or make a disclosure under Article 11 by a magnetic disk pursuant to the provisions of a Cabinet Order.

(Partially revised by Act No. 152 of 2002)

## **Article 21 (Transitional Measures)**

In the case of establishing, revising or abolishing an order based on the provisions of this Act, required transitional measures (including transitional measures concerning penal provisions) may be provided for in such order as far as it is judged to be reasonably necessary in line with such establishment, revision, or abolition.

## **Article 22 (Competent Minister(s), etc.)**

(1) The competent minister(s) in this Act shall be as follows:

- (i) With regard to matters concerning establishment of Chemical Substance Management Guidelines under Article 3, paragraph 1, conference under paragraph 3 of the same Article, and publication under paragraph 4 of the same Article (excluding those pertaining to matters set forth in paragraph 2, item 4 of the same Article), the Minister of Economy, Trade and Industry and the Minister of the Environment
- (ii) With regard to matters concerning establishment of Chemical Substance Management Guidelines under Article 3, paragraph 1, conference under paragraph 3 of the same Article, and publication under paragraph 4 of the same Article (limited to those pertaining to matters set forth in paragraph 2, item 4 of the same Article), the Minister of Economy, Trade and Industry
- (iii) With regard to matters concerning notification under Article 5, paragraph 2, a request under Article 6, paragraph 1, a notice under paragraph 3 of the same Article, a decision and a notice under paragraph 4 and paragraph 5 of the same Article (including cases where they are applied mutatis mutandis pursuant to paragraph 9 of the same Article), extension of a period under paragraph 7 of the same Article (including cases where it is applied mutatis mutandis pursuant to paragraph 9 of the same Article), a request under paragraph 8 of the same Article, a notice under Article 7, paragraphs 1 to 3 inclusive, explanation under paragraph 4 and paragraph 5 of the same Article, a notice under Article 8, paragraph 2 and paragraph 4 and aggregation and publication under paragraph 5 of the same Article, and matters specified in Article 20, paragraph 1 and paragraph 2, the minister having jurisdiction over the business of the relevant Business Operator Handling a Class I Designated Chemical Substance, etc.
- (iv) With regard to matters concerning a request under Article 10, paragraph 1 and disclosure under Article 11, and matters specified in Article 20, paragraph 3, the Minister of Economy, Trade and

Industry, the Minister of the Environment or the minister having jurisdiction over the business of the relevant Business Operator Handling a Class I Designated Chemical Substance, etc.

- (2) An ordinance of the competent ministry in this Act shall be an order issued by the Minister of Economy, Trade and Industry, the Minister of the Environment and the minister having jurisdiction over the business of the relevant Business Operator Handling a Class I Designated Chemical Substance, etc.

(Partially revised by Act No. 160 of 1999 and Act No. 152 of 2002)

### **Article 23 (Category of Affairs)**

The affairs to be processed by a prefecture pursuant to the provisions of the first sentence of Article 5, paragraph 3 shall be item 1 legally delegated affairs, as prescribed in Article 2, paragraph 9, item 1 of the Local Autonomy Act (Act No. 67 of 1947).

## **Chapter 5 Penal Provisions**

### **Article 24**

A person who falls under any of the following items shall be punished by a fine of not more than 200,000 yen:

- (i) A person who has failed to give a notification under Article 5, paragraph 2 or who has given a false notification
- (ii) A person who has failed to make a report under Article 16 or who has made a false report

### **Supplementary Provisions (Extract)**

#### **Article 1 (Effective Date)**

This Act shall come into force as from the date specified by a Cabinet Order within a period not exceeding nine months from the day of promulgation; provided, however, that the provisions set forth in the following items shall come into force as from the dates respectively prescribed in those items:

- (i) Provisions of Article 18—The day of promulgation
- (ii) Provisions of Chapter 3 and Article 24 (excluding item 1) —The date specified by a Cabinet Order within a period not exceeding one year and six months from the day of promulgation

(These provisions came into force from January 1, 2001 based on Cabinet Order No. 518 of 2000.)

(iii) Provisions of Chapter 2, Article 19, Article 20, and Article 24 (limited to item 1) and the following Article—The date specified by a Cabinet Order within a period not exceeding two years and six months from the day of promulgation

(Provisions of Article 5, paragraph 1 came into force on April 1, 2001 based on Cabinet Order No. 104 of 2001.)

(Provisions set forth in Article 1, item 3 of the Supplementary Provisions [excluding the provisions of Article 5, paragraph 1] came into force on January 12, 2002 based on Cabinet Order No. 440 of 2001.)

(iv) Provisions of Article 23 of the Act and Article 4 of the Supplementary Provisions—April 1, 2000 or the date specified in the preceding item, whichever comes later

(Date specified in the preceding item: January 12, 2002)

#### **Article 2 (Transitional Measure)**

When the day prescribed in Article 6, paragraph 6 is included in the fiscal year following the fiscal year that contains the day of enforcement of provisions prescribed in item 3 of the preceding Article, the phrase “up to 30 days” in the same paragraph shall be deemed to be replaced with “up to five months.”

#### **Article 3 (Review)**

The government shall review the status of enforcement of this Act when seven years have elapsed from the enforcement of this Act, and take necessary measures based on the results.

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#### **Act for Enforcement of Acts Related to the Central Government Reform (Act No. 160 of 1999) (Extract)**

#### **Article 1301 (Transitional Measures on Dispositions, Applications, etc.)**

(1) With the exception of those otherwise provided for by laws and regulations, any licenses, permissions, approvals, recognitions, designations, and other dispositions or notices granted or made, or other acts conducted by the previous state organs pursuant to laws and regulations prior to the enforcement of Acts related to the central government reform and this Act (hereinafter collectively referred to as the “Reform Related Acts, etc.”) shall be, after the enforcement of the Reform Related Acts, etc., deemed to be licenses, permissions, approvals, recognitions, designations, and other dispositions or notices

granted or made or other acts conducted by the relevant state organs in accordance with the relevant provisions of the laws and regulations after the enforcement of the Reform Related Acts, etc.

(2) With the exception of those otherwise provided for by laws and regulations, any applications, notifications, and other acts pending before the previous state organs pursuant to laws and regulations upon the enforcement of the Reform Related Acts, etc. shall be, after the enforcement of the Reform Related Acts, etc., deemed as applications, notifications, and other acts pending before the relevant state organs in accordance with relevant provisions of the laws and regulations after the enforcement of the Reform Related Acts, etc.

(3) With respect to matters for which report, notification, submission, or other procedures must be conducted with the previous state organs pursuant to laws and regulations prior to the enforcement of the Reform Related Acts, etc., if these procedures have not yet been conducted by the day of enforcement of the Reform Related Acts, etc., with the exception of those otherwise provided for by laws and regulations, the provisions of laws and regulations after the enforcement of the Reform Related Acts, etc. shall apply to such procedures, by deeming that report, notification, submission, or other procedures have not yet been conducted with respect to matters for which such procedures must be conducted with the relevant state organs pursuant to relevant provisions of the laws and regulations after the enforcement of the Reform Related Acts, etc.

#### **Article 1303 (Transitional Measure on Penal Provisions)**

With regard to the application of penal provisions to acts committed prior to the enforcement of the Reform Related Acts, etc., the provisions then in force shall remain applicable.

#### **Article 1344 (Delegation to Cabinet Order)**

In addition to what is provided for in Articles 71 to 76 inclusive and Article 1301 to the preceding Article and in the provisions of the Acts related to the central government reform, necessary transitional measures concerning the enforcement of the Reform Related Acts, etc. (including transitional measures concerning penal provisions) shall be specified by a Cabinet Order.

#### **Supplementary Provisions (Act No. 160 of December 22, 1999) (Extract)**

**Article 1 (Effective Date)**

This Act (excluding Article 2 and Article 3) shall come into force as from January 6, 2001; provided, however, that the provisions set forth in the following items shall come into force as from the dates respectively prescribed in those items:

- (i) Provisions of Article 995 (limited to the parts pertaining to the provisions revising the Supplementary Provisions of the Act for Partial Revision of the Act on Regulation of Nuclear Source Materials, Nuclear Fuel Materials and Nuclear Reactors), Article 1305, Article 1306, Article 1324, paragraph 2, Article 1326, paragraph 2, and Article 1344—The day of promulgation

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**Supplementary Provisions (Act No. 152 of December 13, 2002) (Extract)**

**Article 1 (Effective Date)**

This Act shall come into force as from the day of enforcement of the Act on Use of Information and Communications Technology in Administrative Procedures, etc. (Act No. 151 of 2002).

(Day of enforcement: February 3, 2003)

**Article 4 (Transitional Measure on Penal Provisions)**

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable

**Article 5 (Delegation of Other Transitional Measures to Cabinet Order)**

In addition to what is provided for in the preceding three Articles, necessary transitional measures for the enforcement of this Act shall be specified by a Cabinet Order.