

Summary of Japan's Law concerning the Recovery and Destruction of Fluorocarbons (Fluorocarbons Recovery and Destruction Law) (promulgated in June 2001)

1. Objectives

This law aims to limit emissions of fluorocarbons into the atmosphere by providing guidance for recovery and destruction of these substances, setting responsibilities of relevant operators involved and laying down measures to ensure the recovery and destruction of these substances contained in specified products and equipment, in the cause of healthy and cultural life for present and future generations of the citizens of Japan as well as the welfare of mankind. (Article 1)

2. Definitions

For the purposes of this law:

"fluorocarbons" means Chlorofluorocarbons (CFCs), Hydrochlorofluorocarbons(HCFCs) and Hydrofluorocarbons (HFCs) which deplete the ozone layer or cause the global warming;

"class-1 specified equipment" means commercial air-conditioners, refrigerators and chillers, including vending machines; and

"class-2 specified equipment" means mobile air-conditioners (MACs) installed on motor vehicles. (Article 2)

3. Guidance for emissions prevention

Competent ministers shall provide guidance for limiting emissions of the fluorocarbons from specified equipment during servicing or prior to their disposal. (Article 3)

4. Responsibilities

Relevant operators, including manufacturers of fluorocarbons or specified equipment, citizens of Japan, the National Government and local governments, shall make efforts to fulfil their responsibilities of ensuring that the fluorocarbons are recovered appropriately and certainly prior to the disposal of specified equipment, developing substitute substances and alternative equipment and limiting emissions of fluorocarbons from specified equipment. (Articles 4-8)

5. Registration of operators regarding class-1 specified equipment

Recovery operators who undertake recovery operations of the fluorocarbons prior to the disposal of class-1 specified equipment (hereinafter referred to as "class-1 recovery operators") shall be registered with governors of local (prefectural) governments. (Articles 9-18)

6. Obligations of operators regarding class-1 specified equipment

End-users who dispose of class-1 specified equipment must transfer the equipment to class-1 recovery operators. The class-1 recovery operators must recover fluorocarbons from the equipment and transfer the recovered substances to destruction operators. The class-1 recovery operators must observe codes of practice in undertaking recovery or transferring the substances. (Articles 19-21)

7. Registration of operators regarding class-2 specified equipment (MACs)

Collection operators who collect class-2 specified equipment and recovery operators who undertake recovery operations of fluorocarbons from class-2 specified equipment (hereinafter referred to as “class-2 collection operators” and “class-2 recovery operators”, respectively) shall be registered with governors of the local (prefectural) governments. (Articles 25-33)

8. Obligations of operators regarding class-2 specified equipment (MACs)

End-users of motor vehicles who dispose of end-of-life vehicles equipped with class-2 equipment must transfer the class-2 equipment to class-2 collection operators, who must transfer the equipment attaching an operation record to class-2 recovery operators; the class-2 recovery operators must recover fluorocarbons from the equipment and transfer the recovered substances together with the operation record to motor vehicle manufacturers; the motor vehicle manufacturers must transfer the fluorocarbons to destruction operators. At each stage of the process, class-2 collection operators, class-2 recovery operators and motor vehicle manufactures must observe codes of practice in recovering or transferring the substances. (Articles 35-41)

9. Permit to destruction operators

Destruction operators who destroy the fluorocarbons recovered from specified equipment must obtain a permit from competent ministers. (Articles 44-51)

10. Obligations of destruction operators

Destruction operators must accept delivery of recovered fluorocarbons on request and on payment of the appropriate fee, destroy the substances in compliance with codes of practice regarding destruction operations and keep records of quantities destroyed, which must be made available on request and reported annually to the competent ministers. (Articles 52 and 53)

11. Payment of costs regarding class-1 specified equipment

Class-1 recovery operators may request from end-users who dispose of class-1 equipment the payment of the appropriate fee for recovering the fluorocarbons from the class-1 equipment. At this request, the end-users must make the payment. (Article 56)

12. Payment of costs for recovery regarding class-2 specified equipment (MACs)

Class-2 recovery operators may request from motor vehicle manufactures the payment of the appropriate fee for recovery of fluorocarbons from the class-2 equipment according to the pricing policy decided and announced by the competent minister. At this request, the motor vehicle manufacturers must make the payment; however, the competent minister can, when necessary, advise or order a change to the pricing actually set by the recovery operators. (Articles 60-62)

13. Payment of costs regarding class-2 specified equipment (MACs)

Motor vehicle manufacturers may request from end-users of motor vehicles the payment of the appropriate fee for recovery and destruction of the fluorocarbons according to their previously announced pricing policy. At this request, the end users of motor vehicles must make the payment; however, the competent minister can, when necessary, advise or order a change to the pricing actually set by the motor vehicle manufacturers. (Article 63)

14. Record-keeping of operations regarding class-2 specified equipment (MACs)

Class-2 collection operators, class-2 recovery operators and motor vehicle manufacturers must record their operations in an operation record, keep the document or its copy and make it available on request. (Article 63)

15. Ban on emissions of fluorocarbons

Arbitrary emissions of the fluorocarbons are prohibited. (Article 65)

16. Labelling

Specified equipment must be labelled with information on regulations prohibiting emissions of fluorocarbons. (Article 66)

17. Codes of practice for servicing and maintenance operations

The codes of practice regarding recovery and transfer of fluorocarbons must be followed when servicing and maintenance operations are carried out. (Article 67)

18. Entry into force

This law shall enter into force on 1 April 2002 except for the provisions regarding registration of class-1 recovery operators and permit to destruction operators, which shall take effect within 6 months from the date of promulgation, and the provisions regarding recovery of the fluorocarbons from class-2 specified equipment, which shall take effect not later than 31 October 2002.

(supplementary provision 1)

19. Others

- (1) The National Government shall discuss the operational procedures for payment regarding class-2 specified equipment (MACs) and thereupon implement necessary measures immediately.
(supplementary provision 4 (1))
- (2) The National Government shall coordinate the provisions regarding the recovery and destruction of the fluorocarbons contained in class-2 specified equipment (MACs) with a motor vehicle recycling law, which is currently being prepared by the National Government of Japan.
(supplementary provision 4 (2))
- (3) The National Government shall take immediate actions to encourage the research and development in relation to recovery and destruction of the fluorocarbons used in applications other than refrigeration - especially those substances contained in insulation foams - and thereupon take necessary measures. (supplementary provision 5)