

ENFORCEMENT ORDINANCE OF THE LAW CONCERNING THE PROTECTION OF THE OZONE LAYER THROUGH THE CONTROL OF SPECIFIED SUBSTANCES AND OTHER MEASURES

(Ordinance No. 308 of September 26, 1994)

Amended by Ordinance No. 407 of 1994, No. 412 of 1995, No. 259 of 1996 and No. 365 of 1997

Article 1: Specified substances, etc.

1. Specified substances set out in Article 2-1 of the Law concerning the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures (referred to as “Law” hereafter) shall be the substances listed in the middle column of Attached Table.
2. Types of specified substances set out in Article 2-2 of the Law shall be the types listed in the upper column of Attached Table.
3. Ozone depleting potentials per type of specified substance set out in Article 2-3 of the Law shall be the values listed in the lower column of Attached Table.

Article 2: Specified substances below the volume specified in the government ordinance

The specified substances below the volume specified in the government ordinance set out in Article 4-1(iv) of the Law shall be the following type of specified substances, whose total volume per type is not more than one kilogram per control year.

- () Group 1 in Annex C of the Montreal Protocol on Substances that Deplete the Ozone Layer (referred to as “Protocol” hereafter)
- () Group 1 in Annex E of the Protocol

Article 3: The designated specified substance and designated usage

The designated specified substance set out in Article 13-1 of the Law shall be methyl bromide. The designated usage set out in Article 13-1 of the Law shall be the quarantine on imported or exported freight.

Article 4: The case where the confirmation of the production volume is deemed to be given

The case provided for in the ordinance in Article 13-3 of the Law shall be the case in which the producer of methyl bromide who has registered methyl bromide fumigator for quarantine to be produced under Article 2-1 of the Agricultural Chemicals Regulation Law (Law No. 82 of 1948) marks the container of the registered methyl bromide fumigator with the instruction not to use in other usage than the quarantine on imported or exported freight, and sells it to somebody else.

Article 5: The specified substance on which the discussion with the Minister of Agriculture, Forestry and Fisheries is required

The specified substance provided for in the government ordinance set out in Article 28.2-1() of the Law shall be methyl bromide.

Supplementary Provisions

(Effective date)

1. This Ordinance shall come into effect on and after the effective date of the Law Partially Amending the Law concerning the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures (September 30, 1994).

(The abolition of the Ordinance Regulating the Amount Set Out in Article 4-1(iv) of the Law concerning the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures)

2. The Ordinance Regulating the Amount Set Out in Article 4-1(iv) of the Law concerning the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures (Ordinance No. 337 of 1988) shall be abolished.

(Interim measures concerning the designated specified substances and designated usage)

3. Until December 31 1999, “methyl bromide” in Article 3 shall be replaced by “the specified substances listed in the middle column of 1 and 3 of Attached Table, carbon tetrachloride, 1, 1, 1-trichloroethane, and methyl bromide” and “the quarantine on imported or exported freight” by “tests, research and analysis for the specified substances listed in the middle column of 1 and 3 of Attached Table, carbon tetrachloride, 1, 1, 1-trichloroethane and methyl bromide, and the quarantine on

imported or exported freight for methyl bromide”, respectively.

Attached Table (related Article 1)

Type of specified substance	Specified substance	Ozone depleting potential
1. Group in Annex A of the Protocol	(1) CFCl_3 (CFC-11)	1.0
	(2) CF_2Cl_2 (CFC-12)	1.0
	(3) $\text{C}_2\text{F}_3\text{Cl}_3$ (CFC-113)	0.8
	(4) $\text{C}_2\text{F}_4\text{Cl}_2$ (CFC-114)	1.0
	(5) $\text{C}_2\text{F}_5\text{Cl}$ (CFC-115)	0.6
2. Group in Annex A of the Protocol	(1) CF_2BrCl (halon-1211)	3.0
	(2) CF_3Br (halon-1301)	10.0
	(3) $\text{C}_2\text{F}_4\text{Br}_2$ (halon-2402)	6.0
3. Group in Annex B of the Protocol	(1) CF_3Cl (CFC-13)	1.0
	(2) C_2FCl_5 (CFC-111)	1.0
	(3) $\text{C}_2\text{F}_2\text{Cl}_4$ (CFC-112)	1.0
	(4) C_3FCl_7 (CFC-211)	1.0
	(5) $\text{C}_3\text{F}_2\text{Cl}_6$ (CFC-212)	1.0
	(6) $\text{C}_3\text{F}_3\text{Cl}_5$ (CFC-213)	1.0
	(7) $\text{C}_3\text{F}_4\text{Cl}_4$ (CFC-214)	1.0
	(8) $\text{C}_3\text{F}_5\text{Cl}_3$ (CFC-215)	1.0
	(9) $\text{C}_3\text{F}_6\text{Cl}_2$ (CFC-216)	1.0
	(10) $\text{C}_3\text{F}_7\text{Cl}$ (CFC-217)	1.0
4. Group in Annex B of the Protocol	CCl_4	1.1
5. Group in Annex B of the Protocol	$\text{C}_2\text{H}_3\text{Cl}_3$	0.1
6. Group in Annex C of the Protocol	(1) CHFCl_2 (HCFC-21)	0.04
	(2) CHF_2Cl (HCFC-22)	0.055
	(3) CH_2FCl (HCFC-31)	0.02
	(4) C_2HFCl_4 (HCFC-121)	0.04
	(5) $\text{C}_2\text{HF}_2\text{Cl}_3$ (HCFC-122)	0.08
	(6) $\text{C}_2\text{HF}_3\text{Cl}_2$ (HCFC-123)	0.02
	() 2,2-dichloro-1,1,1- tri-fluoroethane(HCFC123)	0.02
	() Others	0.06
	(7) $\text{C}_2\text{HF}_4\text{Cl}$ (HCFC-124)	0.06
	() 2-chloro-1, 1, 1, 2-tetrafluoroethane(HCFC-124)	0.022
	() Others	0.04
(8) $\text{C}_2\text{H}_2\text{FCl}_3$ (HCFC-131)	0.05	
(9) $\text{C}_2\text{H}_2\text{F}_2\text{Cl}_2$ (HCFC-132)	0.05	
(10) $\text{C}_2\text{H}_2\text{F}_3\text{Cl}$ (HCFC-133)	0.06	
(11) $\text{C}_2\text{H}_3\text{FCl}_2$ (HCFC-141)	0.06	
() 1,1-dichloro-1- fluoro-	0.11	

	ethane (HCFC-141b)	
	() Others	0.07
	(12) C ₂ H ₃ F ₂ Cl (HCFC-142)	
	() 1-chloro-1,1- difluoro ethane (HCFC-142b)	0.065
	() Others	1.
	(13) C ₂ H ₄ FCI (HCFC-151)	0.07
	(14) C ₃ HFCl ₆ (HCFC-221)	0.005
	(15) C ₃ HF ₂ Cl ₅ (HCFC-222)	0.07
	(16) C ₃ HF ₃ Cl ₄ (HCFC-223)	0.09
	(17) C ₃ HF ₄ Cl ₃ (HCFC-224)	0.08
	(18) C ₃ HF ₅ Cl ₂ (HCFC-225)	0.09
	() 3, 3-dichloro-1, 1, 1, 2, 2-pentafluoropropane (HCFC-225ca)	0.025
	() 1, 3-dichloro-1, 1, 2, 2, 3-pentafluoropropane (HCFC-225cb)	0.033
	() Others	0.07
	(19) C ₃ HF ₆ Cl (HCFC-226)	0.10
	(20) C ₃ H ₂ FCI ₅ (HCFC-231)	0.09
	(21)C ₃ H ₂ F ₂ Cl ₄ (HCFC-232)	0.10
	(22)C ₃ H ₂ F ₃ Cl ₃ (HCFC-233)	0.23
	(23)C ₃ H ₂ F ₄ Cl ₂ (HCFC-234)	0.28
	(24) C ₃ H ₂ F ₅ Cl (HCFC-235)	0.52
	(25) C ₃ H ₃ FCI ₄ (HCFC-241)	0.09
	(26)C ₃ H ₃ F ₂ Cl ₃ (HCFC-242)	0.13
	(27)C ₃ H ₃ F ₃ Cl ₂ (HCFC-243)	0.12
	(28) C ₃ H ₃ F ₄ Cl (HCFC-244)	0.14
	(29) C ₃ H ₄ FCI ₃ (HCFC-251)	0.01
	(30)C ₃ H ₄ F ₂ Cl ₂ (HCFC-252)	0.04
	(31) C ₃ H ₄ F ₃ Cl (HCFC-253)	0.03
	(32) C ₃ H ₅ FCI ₂ (HCFC-261)	0.02
	(33) C ₃ H ₅ F ₂ Cl (HCFC-262)	0.02
	(34) C ₃ H ₆ FCI (HCFC-271)	0.03
7. Group in Annex C of the Protocol	(1) CHFBr ₂	1.00
	(2) CHF ₂ Br (HBFC-22B1)	0.74
	(3) CH ₂ FBr	0.73
	(4) C ₂ HFBr ₄	0.8
	(5) C ₂ HF ₂ Br ₃	1.8
	(6) C ₂ HF ₃ Br ₂	1.6
	(7) C ₂ HF ₄ Br	1.2
	(8) C ₂ H ₂ FBr ₃	1.1
	(9) C ₂ H ₂ F ₂ Br ₂	1.5
	(10) C ₂ H ₂ F ₃ Br	1.6
	(11) C ₂ H ₃ FBr ₂	1.7

	(12) C ₂ H ₃ F ₂ Br	1.1
	(13) C ₂ H ₄ FBr	0.1
	(14) C ₃ HFBr ₆	1.5
	(15) C ₃ HF ₂ Br ₅	1.9
	(16) C ₃ HF ₃ Br ₄	1.8
	(17) C ₃ HF ₄ Br ₃	2.2
	(18) C ₃ HF ₅ Br ₂	2.0
	(19) C ₃ HF ₆ Br	3.3
	(20) C ₃ H ₂ FBr ₅	1.9
	(21) C ₃ H ₂ F ₂ Br ₄	2.1
	(22) C ₃ H ₂ F ₃ Br ₃	5.6
	(23) C ₃ H ₂ F ₄ Br ₂	7.5
	(24) C ₃ H ₂ F ₅ Br	14
	(25) C ₃ H ₃ FBr ₄	1.9
	(26) C ₃ H ₃ F ₂ Br ₃	3.1
	(27) C ₃ H ₃ F ₃ Br ₂	2.5
	(28) C ₃ H ₃ F ₄ Br	4.4
	(29) C ₃ H ₄ FBr ₃	0.3
	(30) C ₃ H ₄ F ₂ Br ₂	1.0
	(31) C ₃ H ₄ F ₃ Br	0.8
	(32) C ₃ H ₅ FBr ₂	0.4
	(33) C ₃ H ₅ F ₂ Br	0.8
	(34) C ₃ H ₆ FBr	0.7
8. Group in Annex E of the Protocol	(30) CH ₃ Br	0.6

ENFORCEMENT REGULATIONS OF THE LAW CONCERNING THE PROTECTION OF THE OZONE LAYER THROUGH THE CONTROL OF SPECIFIED SUBSTANCES AND OTHER MEASURES

(Ordinance of Ministry of International Trade and Industry No. 80 of December 24, 1988)

Amended by Ordinance of Ministry of International Trade and Industry No. 39 and 95 of 1989, No. 18, 28 and 87 of 1991, No. 79 of 1992, No. 89 of 1993, No. 65 and 66 of 1994, No. 16 of 1995 and No. 39 of 1997

Article 1: Definitions

The terms used in this Ordinance shall be defined in accordance with the Law concerning the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures (referred to as “Law” hereafter).

Article 2: Amounts

The amounts to be provided for by the ordinance of Ministry of International Trade and Industry set out in Article 3-2 of the Law shall be the calculated levels of imports and exports provided for in Article 1-7 of the Montreal Protocol on Substances that Deplete the Ozone Layer (referred to as “Protocol” hereafter).

Article 3: Control year

The control years to be specified by the ordinance of Ministry of International Trade and Industry set out in Article 4-1 of the Law shall be as follows.

- () Group in Annex A of the Protocol: From July 1 1989 to June 30 1991, the control years shall be July 1 each year to June 30 of the next year. From July 1 1991 to December 31 1992, the control year shall be the said period. From January 1 1993, the control years shall be January 1 to December 31 each year.
- () Group in Annex A of the Protocol: The control years shall be January 1 to December 31 of 1992 and of each year thereafter.
- () Group and in Annex B of the Protocol: The control years shall be January 1 to December 31 of 1993 and of each year thereafter.
- (iv) Group in Annex B of the Protocol: The control years shall be January 1 to December 31 of 1995 and of each year thereafter.
- (v) Group and in Annex C of the Protocol: The control years shall be January

1 to December 31 of 1996 and of each year thereafter.

(vi) Group in Annex E of the Protocol: From March 20 to December 31 of 1995, the control year shall be the said period. From January 1 1996, the control years shall be January 1 to December 31 each year.

Article 4: Application for the permission for production volume

1. The matters to be specified in the ordinance of Ministry of International Trade and Industry set out in Article 4-2(vi) of the Law shall be, for the person who intends to produce specified substances in order to meet the basic domestic needs of the parties operating under Article 5-1 of the Protocol applies, the person's production volume.

2. To apply for the permission in Article 4-1 of the Law in accordance with Article 4-2 of the Law, the applicant should submit the application in Form 1 to the Minister of International Trade and Industry together with the following documents.

- () The document stating the actual production per type of specified substance and per month and the actual exports per type of substance, per place of destination and per month, within a year's period two months prior to the month including the application date (within the period provided for in the notification if the Minister of International Trade and Industry makes a separate notification)
- () The document stating the actual domestic shipment and unit cost of shipment per type of specified substance and per month, within a year's period two months prior to the month including the application date (within the period provided for in the notification if the Minister of International Trade and Industry makes a separate notification)
- () The document stating the plans for production, export, the domestic shipment and unit cost of shipment, of the specified substance for the control year
- (iv) For any person set out in paragraph 1, the document proving that the production of the said amount of specified substance in paragraph 1 is done as the production provided for in paragraph 1

Article 5: Notification of production volume

To notify of the production volume of a specified substance in accordance with Article 4-3 of the Law, the notifier should submit the notification in Form 2 to the Minister of International Trade and Industry within the announced period by the

Minister in accordance with Article 4-2 of the Law.

Article 6: Application for export confirmation

To get the confirmation in Article 5 of the Law, the applicant should submit the application in Form 3 to the Minister of International Trade and Industry together with the document proving that the applied volume of specified substance was exported or will surely be exported to the applied place of destination within the control year.

Article 7: Application for changes in the designation of the production volume for export

To apply for changes in the designation of the production volume for export set out in Article 5-1 of the Law in accordance with Article 5-3 of the Law, the applicant should submit the application in Form 4 to the Minister of International Trade and Industry together with the following documents.

- () The document stating the actual production per type of specified substance and per month and the actual exports per type of substance, per place of destination and per month, by the month two months prior to the month including the application date and within the control year
- () The document stating the actual domestic shipment and unit cost of domestic shipment per type of specified substance and per month, by the month two months prior to the month including the application date and within the control year
- () The document stating the changed plans for production, export, domestic shipment and unit cost of domestic shipment, of the specified substance for the control year
- (iv) Other documents announced by the Minister of International Trade and Industry

Article 8: Application for the permission for increase in the permitted production volume

1. To apply for the permission for increase in the permitted production in Article 8-1 of the Law in accordance with the Article, the applicant should submit the application in Form 5 to the Minister of International Trade and Industry together with the following documents.

- () The document stating the actual production per type of specified substance and per month and the actual exports per type of substance, per place of destination and per month, by the month two months prior to the month including the application date and within the control year
 - () The document stating the actual domestic shipment and unit cost of domestic shipment per type of specified substance and per month, by the month two months prior to the month including the application date and within the control year
 - () The document stating the changed plans for production, export, domestic shipment and unit cost of domestic shipment, of the specified substance for the control year
 - (iv) Other documents announced by the Minister of International Trade and Industry
2. The matters to be provided in the ordinance of Ministry of International Trade and Industry set out in Article 8-2(iv) of the Law shall be the actual production and exports of the specified substance by the month two months prior to the month including the application date and within the control year.

Article 9: Notification of the change in the permitted producer

To make the notification in Article 9-1 of the Law, the notifier should submit the application in Form 6 to the Minister of International Trade and Industry.

Article 10: Notification of the reduction in expected production volume

To make the notification in Article 9-2 of the Law, the notifier should submit the notification in Form 7 to the Minister of International Trade and Industry together with the following documents.

- () The document stating the actual production per type of specified substance and per month, and the actual exports per type of substance, per place of destination and per month, by the month two months prior to the month including the notification date and within the control year
- () The document stating the actual domestic shipment and unit cost of domestic shipment per type of specified substance and per month, by the month two months prior to the month including the notification date and within the control year
- () The document stating the changed plans for production, export, domestic shipment and unit cost of domestic shipment, of the specified substance for the control year

Article 10.2: Confirmation of the use as feed stock

To get the confirmation in Article 12 of the Law, the applicant should submit the application in Form 8 to the Minister of International Trade and Industry together with the certificate in Form 9.

Article 10.3: Confirmation of the use as a designated usage

To get the confirmation in Article 13 of the Law, the applicant should submit the application in Form 10 to the Minister of International Trade and Industry together with the certificate in Form 11.

Article 10.4: Notification of the change in the confirmed producer

To make the notification in Article 14 of the Law, the notifier should submit the notification in Form 12 to the Minister of International Trade and Industry.

Article 11: Notification of succession

To make the notification in Article 15-2 of the Law, the notifier should submit the notification in Form 13 to the Minister of International Trade and Industry together with the following documents.

- () For the notifier who succeeded to the position of the permitted or confirmed producer by obtaining all the production business of a specified substance in accordance with Article 15-1 of the Law, the document in Form 14 and the document proving the succession
- () For the notifier who inherited the position of the permitted or confirmed producer in accordance with Article 15-1 of the Law and who was elected unanimously by all of more than one heirs to succeed the business, the document in Form 15 and the certified copy of the notifier's family register
- () For the notifier who inherited the position of the permitted or confirmed producer in accordance with Article 15-1 of the Law (excluding the heir provided for in ()), the document in Form 16 and the certified copy of the notifier's family register
- (iv) For the legal entity that succeeded to the position of the permitted or confirmed

producer by merger in accordance with Article 15-1 of the Law, the certified copy of the legal entity's register

Article 12: Conditions for reducing permitted production volume

Conditions to be provided for by the ordinance of Ministry of International Trade and Industry set out in Article 16-2 of the Law shall be the case in which it becomes clear that the capacity of the permitted producer is not enough to produce all the permitted production for the control year within the control year.

Article 12.2: Notification of the export of specified substances

To make the notification in Article 17 of the Law, the notifier should submit the notification in Form 17 to the Minister of International Trade and Industry within three months after the end of each control year.

Article 13: Record keeping

1. Matters to be specified by the ordinance of International Trade and Industry set out in Article 24-1 of the Law shall be as follows.

- () The domestic shipment volume of specified substances per type of specified substance and per month
- () The unit cost of domestic shipment of specified substances per type of substance
- () The inventory volume at the end of the month of specified substances per type of substance and per month
- (iv) The purchase volume of feedstock for specified substances per month, and the used volume of these feedstock per month and per production facility
- (v) For the permitted producer who purchases specified substances, the purchase volume per type of substance and per month
- (vi) For the permitted producer who imports specified substances, the import volume per type of substance and per month
- (vii) For the ermitted producer who self-consumes specified substances, the self consumption per type of substance, per usage and per month

2. The record keeping in Article 24-1 of the Law should be filled in so that it shows clearly the production volume per type of specified substance and per month and the export volume per type of substance, per place of destination and per month, of

specified substances.

3. The record keeping in Article 24-1 of the Law should be maintained for each establishment. The record keeping should be entered with the matters concerning the previous month listed in Article 24-1 of the Law by the end of each month.

4. The record keeping in paragraph 3 should be stored for five years after its closing date.

Article 13.2: Storing by electromagnetic means

1. Where the matters provided for in Article 24-1 of the Law are recorded by electromagnetic means (electric means, magnetic means or other means that cannot be captured by human perceptions) and stored so that they are immediately readable with a computer or other equipment as required, this electromagnetic record may replace the storing of the record keeping maintaining the matters specified in Article 24-2 of the Law.

2. The storing of the electromagnetic records according to paragraph 1 should be done keeping the standards provided by the Minister of International Trade and Industry.

Article 14: Reports

The permitted or confirmed producer should submit the report in Form 18 to the Minister of International Trade and Industry within three months after the end of each control year.

Article 15: Identification

The identification in Article 26-2 of the Law that the Minister of International Trade and Industry orders his staffs to carry shall be in Form 19.

(Hearing)

Article 16

1. The hearing in Article 28-1 of the Law shall be implemented as the hearing in which the staff designated by the Minister of International Trade and Industry acts as chairman.

2. To hold the hearing, the Minister of International Trade and Industry should notify the objector of the name of the case, date and location of the hearing and the outline

of the case by the day fifteen days prior to the hearing date. The Minister should also announce the said matters.

3. Where the person concerned or his agent intends to attend the hearing and state opinions, he should notify the Minister of International Trade and Industry by submitting the document stating the outline of his opinion and the proof of his concern with the case, by the day ten days prior to the hearing date.

4. The Minister of International Trade and Industry should designate, from those who made the notification in paragraph 3, the persons to attend the hearing and state opinions and should notify the designated persons of the designation by the day three days prior to the hearing date.

5. If necessary, the Minister of International Trade and Industry can request experts, staffs of administrative agencies concerned or other witnesses to attend the hearing.

6. Only the objector, designated person in accordance with paragraph 4 and their agent, and the persons requested to attend the hearing in accordance with paragraph 5 may state opinions at the hearing.

7. To start the hearing, the objector or his agent should state the summary and reasons of the objection.

8. Where the objector and his agent are absent from the hearing, the chairman may make the objection read aloud to replace the statement in paragraph 7.

9. At the hearing, where any attendant entitled to state opinions makes any statement out of the range of the case or where any attendant breaks the order of the hearing or makes an inappropriate statement or behavior, the chairman may order the attendant to stop the statement or to retire from the room.

10. The agent of the objector or person concerned should submit the document proving his agency to the chairman.

11. Where the chairman changed the date or location of the hearing, he should notify the designated person in accordance with paragraph 4 and the persons requested to attend the hearing in accordance with paragraph 5 of the new date and location.

Supplementary Provisions

This Ordinance shall come into effect on and after the day provided for in Article 1-1() of the Supplementary Provisions of the Law (January 1, 1989).

Forms: Omitted

THE MATTERS LISTED IN ARTICLE 3-1()~() OF THE LAW CONCERNING THE PROTECTION OF THE OZONE LAYER THROUGH THE CONTROL OF SPECIFIED SUBSTANCES AND OTHER MEASURES, DETERMINED UNDER ARTICLE 3-1 OF THE LAW

(Notification of the Environment Agency and Ministry of International Trade and Industry No. 1 of January 4, 1989)

Amended by Notification of the Environment Agency and Ministry of International Trade and Industry No. 1 and 2 of 1991, No. 1 of 1992, No. 1 of 1993, No. 1 of 1995 and No. 1 and 2 of 1996

The matters listed in Article 3-1()~() of the Law concerning the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures (Law No. 53 of 1988) is determined as follows under Article 3-1 of the Law and hereby announced.

Article 1: The production and consumption limits of specified substances that Japan should observe under the Montreal Protocol on Substances that Deplete the Ozone Layer (referred to as “Protocol” hereafter)

() The substances in Group of Annex A of the Protocol (chlorofluorocarbons)

Period	Production	Consumption
12 months from January 1 1993	119,998	118,134
12 months from January 1 1994 and the following 12 months	30,000	29,534
12 months from January 1 1996 and every 12 months thereafter	0	0

() The substances in Group of Annex A of the Protocol (halons)

Period	Production	Consumption
12 months from January 1 1993	28,419	16,958
12 months from January 1 1994 and every 12 months thereafter	0	0

() The substances in Group of Annex B of the Protocol (other fully halogenated chlorofluorocarbons)

Period	Production	Consumption
12 months from January 1 1993	1,874	1,865
12 months from January 1 1994 and the following 12 months	586	583
12 months from January 1 1996 and every 12 months thereafter	0	0

() The substances in Group of Annex B of the Protocol (carbon tetrachloride)

Period	Production	Consumption
12 months from January 1 1995	2,940	11,232
12 months from January 1 1996 and every 12 months thereafter	0	0

() The substances in Group of Annex B of the Protocol (1, 1, 1-trichloroethane)

Period	Production	Consumption
12 months from January 1 1993	15,637	17,279
12 months from January 1 1994 and the following 12 months	7,819	8,640
12 months from January 1 1996 and every 12 months thereafter	0	0

()The substances in Group of Annex C of the Protocol (hydrochlorofluorocarbons)

Period	Consumption
12 months from January 1 1996 and every 12 months thereafter	5,562
12 months from January 1 2004 and every 12 months thereafter	3,615
12 months from January 1 2010 and every 12 months thereafter	1,946
12 months from January 1 2015 and every 12 months thereafter	556
12 months from January 1 2020 and every 12 months	27 (only for the existing refrigerating air condition-

thereafter	ing equipment as of January 1 2020)
12 months from January 1 2030 and every 12 months thereafter	0

() The substances in Group of Annex C of the Protocol (hydrobromofluorocarbons)

Period	Production	Consumption
12 months from January 1 1996 and every 12 months thereafter	0	0

() The substances in Group of Annex E of the Protocol (methyl bromide)

Period	Production	Consumption
12 months from January 1 1995 and every 12 months thereafter	3,376	3,664
12 months from January 1 1999 and the following 12 months	2,532	2,748
12 months from January 1 2001 and the following 12 months	1,688	1,832
12 months from January 1 2003 and the following 12 months	1,012	1,099
12 months from January 1 2005 and every 12 months thereafter	0	0

Note: The figures in the “production” and “consumption” columns are the calculated levels set out in Article 2-3 and 2-4 of the Law concerning the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures (referred to as “Law” hereafter) (The original amounts of specified substances that are the basis for the calculated levels are in tons.)

Article 2: Important matters concerning the implementation of public awareness and other measures to gain public understanding about and cooperation in the ozone layer protection or protection

The ozone layer plays a vital role in the protection of the global environment, by absorbing most of the ultraviolet rays which are harmful to living things and

materials.

In recent years, however, it has given rise to concern that specified substances released into the atmosphere not only have destroyed the ozone layer significantly, increasing the harmful ultraviolet rays that reach the Earth's surface and thus causing adverse effects on human health and ecosystems, but have changed the atmospheric ozone distribution, changing the temperature structure of the atmosphere, thus causing severe effects on climate.

These expected damages by the ozone layer depletion will be large-scale and severe, influencing the health of a number of people around the world and the global ecosystem. Since the recovery of the ozone layer once destroyed requires a long period of time, it may be too late if countermeasures are taken after the damages become evident.

Thus, in order to protect human health and to preserve ecosystems, it is vital for the international society to protect the ozone layer through cooperation. Japan must actively contribute to international ozone layer protective measures by making long-term efforts to reduce the emission of specified substances into the atmosphere and promoting investigation and research on the ozone layer protection, with the aid of public understanding and cooperation.

In order to achieve the above tasks, the following measures shall be taken to gain wide-ranging public understanding and cooperation concerning the ozone layer protection.

- () The measures to make the people understand the necessity of the ozone layer protection and to disseminate the purpose and contents of the Law, in close coordination with local governments and other organizations if necessary, and taking every possible opportunity
- () The appropriate measures to gain public cooperation concerning the diffusion of products which have less adverse effects on the ozone layer, etc.

Article 3: Important matters concerning the implementation of measures to protect the ozone layer other than those in article 2

1. In order to protect the ozone layer and to ensure assured and smooth implementation of the Vienna Convention for the Protection of the Ozone Layer and the Protocol, the national government shall comprehensively promote such measures as the production control of specified substances in accordance with the responsibility to reduce their production and consumption which are imposed on Japan by the Protocol, the government shall enforce such measures surely for emission control and

rational use of specified substances as the observation and monitoring of the ozone layer conditions and the development of alternative substances to specified substances and technologies for recovery and reuse of specified substances.

2. For the time being, in addition to controlling the production of specified substances, the government shall make every possible effort at emission control and rational use of specified substances, based on the guidelines for emission control and rational use of specified substances that respond to advancing technology.

3. For the substances in Group in Annex C of the Protocol, appropriate measures shall be taken to ensure that:

(a) The specified substances are used only where no alternative substance or technology with less adverse effects on the environment is available

(b) The specified substances are not used in other usage than the existing usage of the substances in Annex A, B and C, unless the usage is obviously required to protect human life or health

(c) The specified substances are used in such a way that the destruction of the ozone is minimized and that environmental, safety and economical requirements are met

4. The government shall make efforts to develop, improve and diffuse the technologies and skills enabling assured destruction of specified substances. Based on this development, the national government shall contribute to research on the destruction technologies provided for in Article 1-5 of the Protocol.

5. The government shall actively promote scientific research on the ozone layer protection through international cooperation. The national government shall make efforts to diffuse the results of the research, and shall reflect them to the assessment of control measures provided for in Article 6 of the Protocol.

6. In addition to the above measures, the government shall promote international cooperation in the ozone layer protection by promoting the transfer of technology and knowledge to developing countries and by other means.

THE GUIDELINES FOR EMISSION CONTROL AND RATIONAL USE OF SPECIFIED SUBSTANCES

(Notification of Environment Agency and Ministry of International Trade and Industry No. 2 of January 4, 1989)

Amended by Notification No. 3 of 1991, No. 2 of 1995 and No. 1 of 1998

In order to protect the ozone layer through international cooperation, Japan expects to reduce the production of specified substances (the substances provided for in Article 2-1 of the Law concerning the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures (referred to as “Law” hereafter). The same shall apply hereafter) under the Vienna Convention for the Protection of the Ozone Layer (referred to as “Convention” hereafter) and the Montreal Protocol on Substances that Deplete the Ozone Layer (referred to as “Protocol” hereafter).

For the above purpose, the Law has provisions to control the production, etc. of specified substances. In addition, it is important, in order to reduce the influence on the ozone layer as much as possible, that the entrepreneur using specified substances (referred to as “industrial user” hereafter) implements the “emission control of specified substances” (the activities contributing to control the emission of specified substances into the atmosphere by industrial users through sealing, absorbing, condensing, etc. of these substances). Also it is important, in order to make effective use of specified substances and to smoothly reduce the supply of specified substances, that the industrial user implements the “rational use” (the activities contributing to effective use of specified substances all over the country by introducing substitutes, recovery and reuse, introducing CFC-saving facilities, etc.).

Therefore, based on Article 20-1 of the Law, these Guidelines provide necessary matters for industrial users to take the voluntary measures for emission control and rational use of specified substances (the substances listed in Group of Annex A, Annex B, Group of Annex C and Group of Annex E of the Protocol only. The same shall apply hereafter), with a view to ensuring smooth implementation of the Convention and Protocol.

1. General measures

(1) Designation of the operation manual: To design the operation manual including the following matters that are necessary for emission control and rational use of specified substances, and to make those who engaged in the operations using specified substances observe this manual

The management measures concerning the equipment and facilities using

specified substances (referred to as “specified substance using facility” hereafter) effective for emission control and rational use of specified substances

The operational procedures at the specified substance using facility that are effective for emission control and rational use of specified substances

Other measures and points of importance effective for emission control and rational use of specified substances (including, if necessary, the exhibition of the notice saying that specified substances are used, the storage of specified substances in establishments, etc.)

(2) Implementation of daily inspection and maintenance: With a view to emission control and rational use of specified substances, to implement daily inspection about the leakage of specified substances due to the breakdown or corrosion of the specified substance using facility, and if there is any trouble, to implement maintenance or take other necessary measures quickly

(3) Dissemination of the contents of these Guidelines: To disseminate the contents of these Guidelines and the concrete measures for emission control and rational use of specified substances based on these Guidelines to those who are engaged in the operations using specified substances

2. Concrete measures

(1) Improvement of the existing specified substance using facilities: To make necessary improvement such as the enhancement of airtightness, taking technical possibilities into account, if specified substances are used in the existing specified substance using facility where not enough measures for emission control and rational use of specified substances are taken

In particular, to make the following improvements for the washing facility

To make the facility airtight except the parts for which this is difficult, such as the entrance and exit of the washed substance

To build the refrigerating and condensing system of the vapor from specified substances in the facility. In this case, the system that enables enough refrigeration by a refrigerator or other means is preferred

To make the length of the freeboard (the space between the top of the vapor layer of a specified substance and the open end) long enough to enable emission control and rational use of specified substances

(2) Introduction of emission control and recovery facilities to the washing facility: To introduce the emission control and recovery facility to the washing facility, for emission control and rational use of specified substances

In other words, if a new specified substance using facility for washing is introduced, this facility should be the facility set out in below. Even if a new specified substance using facility for washing is not introduced, it is always recommended to introduce the facility set out in below.

For the facility set out in below, the operation manual should be designed and daily inspection and maintenance should be implemented in the manners described in 1(1) and (2). In addition, necessary inspection should be voluntarily implemented. If any trouble is found, necessary measures including repairs should be taken without delay.

The facility with the refrigerating and condensing system of specified substances and with systems effective for emission control and rational use of specified substances, such as the airtight system

The facility with absorption system using activated carbon for emitted specified substances and with recovery and reuse system by refrigerating the absorbed specified substances to liquefy or by other means

(3) Measures for emission control and rational use of specified substances concerning specified substances for fumigating the soil: To take the following measures for emission control and rational use of specified substances, if a specified substance is used for fumigating the soil to prevent or remove harmful insects in it

To minimize the frequency and amounts of use of the specified substance, by taking the types and conditions of harmful insects into consideration

To cultivate the soil well enough, in order to promote the percolation of the specified substance into the soil

To use the film with high gas-intercepting ability as a covering material, to implement inspection and repairs of damaged parts of the film, and to cover the film's edge with soil, etc. in order to improve airtightness

To keep covering the soil with a covering material for as long as possible

(4) Measures for emission control and rational use of the specified substances used for fumigation by taking the substance to be fumigated into a quarantine or fumigation facility or other sterilizing facility: To take the following measures for emission control and rational use of specified substances, if imported or exported plants, their containers or other materials are sterilized with a specified substance

To use a sterilizing facility with a system appropriate for emission control and rational use of specified substances such as the airtight system

To use a sterilizing facility of appropriate size, taking the amount, etc. of the substance to be sterilized into account

(5) Introduction of alternative substances, etc.: To promote the introduction of alternative substances, taking measures to preserve the environment and researching on the technical possibilities to introduce a system which refrains from using specified substances by using alternative substances or by other means or reduces the use of specified substances, with a view to rational use of specified substances, if the specified substance is used in facilities, used to make products, used to fumigate the soil or used for fumigation in a quarantine or fumigation facility or other sterilizing facility

(6) Recycling of washing substance: To make effective use of washing substance by recycling the used or deteriorated one, for rational use of specified substances, in case specified substances are used