

This English translation of the Soil Contamination Countermeasures Act has been prepared (up to the revisions of Act No. 33 of 2005(Effective October 1, 2005)) in compliance with the Standard Bilingual Dictionary (March 2007 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. The Government of Japan will not be responsible for the accuracy, reliability or currency of the legislative material provided on this Website, or for any consequence resulting from use of the information on this Website. For all purposes of interpreting and applying the law to any legal issue or dispute, users should consult the original Japanese texts published in the Official Gazette.

## **Soil Contamination Countermeasures Act (Act No. 53 of 2002)**

### **Chapter I General Provisions**

#### Article 1 (Purpose)

The purpose of this Act is to facilitate the implementation of counter-measures against soil contamination by formulating measures to apprehend situations of soil contamination by Designated Hazardous Substances and measures for the prevention of harmful effects on human health by such contamination, and thereby to protect the health of the citizens.

#### Article 2 (Definitions)

- (1) The term "Designated Hazardous Substance" as used in this Act means any substance, including but not limited to lead, arsenic, trichloroethylene, and like substances (but excluding radioactive substances), which is designated by the Cabinet Order as being likely to bring harmful effects on human health because of the existence of such substance in soil.
- (2) The term "Soil Contamination Investigation" as used in this Act means the investigation of soil contamination by any Designated Hazardous Substance, which is conducted pursuant to paragraph (1) of Article 3 and Article 4 of this Act.

### **Chapter II Soil Contamination Investigation**

#### Article 3 (Investigation of Land Used as a Site for a Plant or Workplace for an Abolished Specified Facility Using Hazardous Substances)

- (1) Any person who is the owner, manager, or occupier (hereinafter referred to as the "Owner, etc.") of the site of a plant or workplace pertaining to a Specified Facility (hereinafter referring to a Specified Facility provided in paragraph (2) of Article 2 of the Water Pollution Control Act (Act No. 138 of 1970) (referred to as "Specified Facility" in the following paragraph) and in which any of the substances listed in item (i) of paragraph (2) of the said Article (limited to Designated Hazardous Substances), the use of which has been abolished, and who has installed the

Specified Facility or has received a notification by the prefectural governor pursuant to the following paragraph, shall have a person designated by the Minister of Environment conduct an investigation of the situation of contamination of the soil of the land by Designated Hazardous Substances in the manner provided in the Ordinance of the Ministry of the Environment, and shall report its results to the governor. However, the forgoing requirement shall not apply to any person who has received confirmation by the governor, as provided in the Ordinance of the Ministry of the Environment, that there are no threats on the said site for its scheduled use that no harmful effects on human health will be caused by the soil contamination by Designated Hazardous Substances.

- (2) A prefectural governor who receives notification of the abolishment of the use of a Specified Facility (limited to ones using hazardous substances) under Article 10 of the Water Pollution Control Act, or who discovers such abolishment, shall notify the Owner, etc. of the site, if any, other than the person who has installed such Specified Facility using hazardous substances, in accordance with the Ordinance of the Ministry of the Environment, of the abolishment and any other information prescribed in the Ordinance of the Ministry of the Environment.
- (3) The prefectural governor may order a person, provided in the preceding paragraph (1), who fails to make a report or who makes a false report, to make or correct the report, pursuant to the provisions of the Cabinet Order.

#### Article 4 (Investigation of Land with Suspected Threat of Health Hazard by Soil Contamination)

- (1) When a prefectural governor finds the existence of land falling under the criteria set forth by the Cabinet Order for the categories of land that involves a threat of harmful effects on human health due to soil contamination by any Designated Hazardous Substance, in addition to cases mentioned in paragraph (1) of the preceding article, the governor may order the Owner, etc. of the site to cause a person designated by the Minister of the Environment as prescribed in the said paragraph to conduct an investigation of the site in the manner prescribed by the Ordinance of the Ministry of the Environment as mentioned in the said paragraph, and to make a report on its results.
- (2) If, in ordering an investigation and a report of the results thereof (hereinafter referred to as the "Investigation, etc." in this paragraph) regarding a circumstance of soil contamination by a Designated Hazardous Substance, as described in paragraph (1) of this article, the prefectural governor can not make it clear without negligence to whom the governor orders to conduct the Investigation, etc. and recognizes it would be seriously incompatible with the public interest to leave such situation, then the governor may himself conduct such investigation at the

expense of the primarily responsible person. In such case, the governor shall post a public notice fixing a reasonable period of time and stating that the Investigation, etc. be conducted during such fixed period, and that if it is not conducted during the fixed period, the governor will conduct the investigation himself.

### **Chapter III Designation of Designated Areas, etc.**

#### Article 5 (Designation of Designated Areas)

- (1) When a prefectural governor finds, based on the Soil Contamination Investigation, that the situation of contamination by a Designated Hazardous Substance of the soil of the site does not conform to the standards prescribed in the Ordinance of the Ministry of the Environment, he/she shall designate an area covering such site as an area contaminated by the Designated Hazardous Substance.
- (2) When making a designation mentioned in the preceding paragraph, the governor shall publicly notify to such effect pursuant to the Ordinance of the Ministry of the Environment.
- (3) The designation described in paragraph (1) takes legal effect at the time of the public notice prescribed in the preceding paragraph.
- (4) The prefectural governor shall cancel all or part of the designation prescribed in paragraph (1) (hereinafter referred to as the "Designated Area") when he/she finds that the reason for the designation ceases to exist with respect to all or part of the Designated Area due to the removal of contamination of the Designated Hazardous Substances in the soil.
- (5) The preceding paragraphs (2) and (3) shall apply mutatis mutandis to the cancellation mentioned in the preceding paragraph.

#### Article 6 (The Designated Area Register)

- (1) A prefectural governor shall create and keep a register of the Designated Area (hereinafter referred to as the "Designated Area Register").
- (2) The entries and other necessary matters concerning the creation and keeping of the Designated Area Register shall be provided by the Ordinance of the Ministry of the Environment.
- (3) The prefectural governor may not reject requests to inspect the Designated Area Register without justifiable grounds.

### **Chapter IV Measures to Prevent Health Damage by Soil Contamination**

#### Article 7 (Order for Action)

- (1) When a prefectural governor finds that the existence of land falling under the criteria set forth by the Cabinet Order for the categories of land that causes harmful effects on human health or involves a threat of such effects, due to soil contamination by any Designated Hazardous Substance, he/she may order the Owner, etc. to take an action for removal of such contamination, prevention of dispersion of such contamination, or any other necessary measures (hereinafter referred to as an "Action for Removal, etc.") only to the extent necessary to prevent such damages, fixing a reasonable period of time; provided, however, that this shall not apply to cases where it is clear that a person other than the Owner, etc. of the said site has caused the contamination, and where it is appropriate to cause the person (hereinafter, including his successor by inheritance, merger, or split) to take an Action for Removal, etc. and the Owner, etc. has no objection to such action.
- (2) In the case referred to in the preceding proviso, the prefectural governor may order the person who caused the soil contamination to take an Action for Removal, etc. only to the extent necessary to prevent the damages by such contamination, fixing a reasonable period of time pursuant to the provision of the Cabinet Order.
- (3) The provisions of paragraph (2) of Article 4 shall apply mutatis mutandis to the case where a prefectural governor orders an Action for Removal, etc. pursuant to preceding two paragraphs. In this case, the term "the Investigation, etc." and "the investigation" in paragraph (2) of Article 4 shall be deemed to be replaced with "an Action for Removal, etc. of such contamination".
- (4) The technical standards regarding Actions for Removal, etc. taken pursuant to paragraph (1) or paragraph (2) of this article, or paragraph (2) of Article 4 as applied mutatis mutandis pursuant to the preceding paragraph of this Article, shall be provided by the Ordinance of the Ministry of the Environment.

#### Article 8 (Claims for the Cost of an Action for Removal, etc.)

- (1) The Owner, etc. who receives an order set forth in paragraph (1) of the preceding article despite the fact that the soil has been contaminated by any other person than the Owner, etc. may claim the cost of an Action for Removal, etc. against the person who engages in an act that has caused the soil contamination; provided, however, that this shall not apply when such person has already borne or has been ordered to bear its cost.
- (2) The right to make a claim provided in the preceding paragraph shall be extinguished by the operation of prescription if it is not exercised within three years from the time when the Owner, etc. takes an Action for Removal, etc. and comes to know of the person who engages in such act. The same shall apply when twenty years have elapsed from the Action for Removal, etc.

Article 9 (Notification of Changes of the Land Character; Order to Revise the Plan)

- (1) Any person who extracts soil or takes any other action that changes the character of land in a Designated Area shall be required to notify the prefectural governor of the type of the character change of said land, the land location, methods of the change, the scheduled date of commencing the change, and other matters defined in the Ordinance of the Ministry of the Environment, no later than 14 days before the scheduled date of the change, pursuant to the Ordinance of the Ministry of the Environment; provided, however, that this paragraph shall not apply to following:
  - (i) An act to be done as an Action for Removal, etc. subject to an order pursuant to the provisions of paragraph (1) or 2 of Article 7.
  - (ii) An act for ordinary management, simple processes, and other action, as prescribed in the Ordinance of the Ministry of the Environment.
  - (iii) An act which had already commenced at the time when the area was designated.
  - (iv) An act to be done as an action needed to respond to a disaster or emergency.
- (2) Any person who had already commenced an act that changes the character of land in a Designated Area at the time when the area was designated shall be required to notify the prefectural governor to that effect within 14 days from the date of designation as prescribed in the Ordinance of the Ministry of the Environment.
- (3) Any person who engages in an act which changes the character of land in a Designated Area as needed to respond to a disaster or emergency shall be required to notify the prefectural governor to that effect within 14 days from the date of the change of the land character as prescribed in the Ordinance of the Ministry of the Environment.
- (4) When the prefectural governor, in the case of notification prescribed in paragraph (1), finds that the methods of the change of the land character described in the said notification does not conform to standards prescribed in the Ordinance of the Ministry of the Environment, he/she may order the person who has filed the notification to revise the plan for methods of the change of the character of the land only within 14 days from the date of that notification.

**Chapter V Designated Investigation Institution**

Article 10 (Application for Designation, etc.)

- (1) The designation of a person authorized to perform a Soil Contamination Investigation as prescribed in paragraph (1) of Article 3 shall be rendered upon the application of said person who intends to conduct such investigation, pursuant

to the Ordinance of the Ministry of the Environment.

- (2) The Minister of the Environment shall, when making the designation pursuant to paragraph (1) of Article 3, publicly notify to that effect.

#### Article 11 (Disqualification Clause)

Any person who falls under any of the following items shall not be received the designation set forth in paragraph (1) of Article 3:

- (i) Any person who has been sentenced to a punishment for violation of this Act or a disposition based upon this Act, if a period of two years has not elapsed since the day the punishment was completed or the day the punishment was no longer inflicted.
- (ii) Any person whose designation was rescinded pursuant to the provision of paragraph (1) of Article 19 if a period of two years has not elapsed since the day of the rescission.
- (iii) A juridical person where the officers who carry out its operations include a person who falls under any of the preceding two items.

#### Article 12 (Criteria for Designation)

The Minister of the Environment shall not designate a person under paragraph (1) of Article 3 unless he/she finds that the person's application for such designation conforms to each of the following requirements:

- (i) That the applicant conforms to the criteria set forth in the Ordinance of the Ministry of the Environment as having the sufficient financial basis and technical capability to perform the business of Soil Contamination Investigation properly and smoothly;
- (ii) That, in cases where the applicant is a juridical person, officers of the applicant, or the organization of the members of the applicant prescribed in the Ordinance of the Ministry of the Environment according to a type of a juridical person is not likely to impede the fair execution of the Soil Contamination Investigation.
- (iii) That, in addition to the preceding item, the applicant conforms to the criteria set forth in the Ordinance of the Ministry of the Environment as involving no likelihood that the Soil Contamination Investigation will be unfair.

#### Article 13 (Notification of the Change to Place of Business)

- (1) A person who has received the designation pursuant to paragraph (1) of Article 3 (hereinafter referred to as a "Designated Investigation Institution") shall, when intending to change the location of the place of business where a Soil Contamination Investigation is to be conducted, notify the Minister of the Environment of the change two weeks prior to the day when the change is

scheduled.

- (2) When the Minister of the Environment receives a notification under the preceding paragraph, he/she shall publicly notify to that effect.

#### Article 14 (Obligation of Soil Contamination Investigation)

- (1) Upon the request, a Designated Investigation Institution shall conduct a Soil Contamination Investigation without delay, unless there are any justifiable grounds for the delay.
- (2) A Designated Investigation Institution shall conduct a Soil Contamination Investigation fairly and in the manner defined in the Ordinance of the Ministry of the Environment under the paragraph (1) of Article 3.
- (3) In cases mentioned in the preceding two paragraphs, if the Designated Investigation Institution fails to conduct a Soil Contamination Investigation or its manner of conducting a Soil Contamination Investigation is not appropriate, the Minister of the Environment may order the Designated Investigation Institution to conduct the Soil Contamination Investigation or to improve the manner of conducting it.

#### Article 15 (Operational Rules and Procedures)

- (1) A Designated Investigation Institution shall establish its operational rules and procedures concerning the business of Soil Contamination Investigation (in the next paragraph referred to as the "Operational Rules and Procedures"), and shall notify the Minister of the Environment of the Operational Rules and Procedures prior to the commencement of the business of Soil Contamination Investigation. The same shall apply when such rules and procedures are to be revised.
- (2) The matters to be prescribed in the Operational Rules and Procedures shall be specified in the Ordinance of the Ministry of the Environment.

#### Article 16 (Order for Compliance)

The Minister of the Environment may, when finding that any Designated Investigation Institution ceases to comply with any of the items of Article 12, order the said Designated Investigation Institution to take necessary measures for compliance with all such provisions.

#### Article 17 (Notification of Abolition of Business)

- (1) A Designated Investigation Institution shall, when having abolished the business of Soil Contamination Investigation, notify the Minister of the Environment to that effect without delay pursuant to the Ordinance of the Ministry of the Environment.
- (2) The Minister of the Environment shall, when receiving the notification under the

preceding paragraph, publicly notify to that effect.

#### Article 18 (Cancellation of Designation)

When a Designated Investigation Institution has abolished its business of Soil Contamination Investigation, the designation under paragraph (1) of Article 3 shall cease to be effective.

#### Article 19 (Rescission of Designation)

(1) The Minister of the Environment may, when a Designated Investigation Institution falls under any of the following items, rescind its designation prescribed in paragraph (1) of Article 3:

(i) Cases falling under item (i) or (iii) of Article 11.

(ii) Cases violating the provisions of paragraph (1) of Article 13, or paragraph (1) of Article 15.

(iii) Cases violating the order under the provisions of paragraph (3) of Article 14, or Article 16.

(iv) Cases of having received the designation in paragraph (1) of Article 3 by a dishonest means.

(2) The Minister of the Environment shall, when having rescinded the designation pursuant to the provisions of the preceding paragraph, publicly notify to that effect.

### **Chapter VI Designated Support Corporation**

#### Article 20 (Designation)

(1) The Minister of the Environment may designate, upon application, a corporation prescribed in Article 34 of the Civil Code (Act No.89 of 1896) that is found to be capable of conducting the business prescribed in the following paragraph (hereinafter referred to as the "Support Business") appropriately without fail as one sole entity for the entire nation conducting the Support Business.

(2) The Minister of the Environment shall, when making the designation under the preceding paragraph, publicly notify the name, address and office location of the corporation who receives such designation (hereinafter referred to as the "Designated Support Corporation").

(3) The Designated Support Corporation shall, when intending to change the name, address, or the location of the office, notify the Minister of the Environment of the change in advance.

(4) When the Minister of the Environment receives a notification under the preceding paragraph, he/she shall publicly notify to that effect.

#### Article 21 (Support Business)

The Designated Support Corporation shall conduct any of the businesses enumerated in the following items:

- (i) Subsidy a local government which provides a person taking an Action for Removal, etc. in land in the Designated Area with a subsidy, pursuant to the Cabinet Order.
- (ii) Respond to inquiries and requests for consultation, and give necessary advice about a Soil Contamination Investigation, an Action for Removal, etc. in land or the change of the land character in the Designated Area (hereinafter referred to as the "Soil Contamination Investigation, etc.").
- (iii) Spread knowledge and promoting public understanding of effects which the soil contamination by any Designated Hazardous Substance has on human health, in order to facilitate the appropriate and smooth implementation of the Soil Contamination Investigation, etc.
- (iv) Conduct businesses incidental to the businesses listed in the preceding three items.

#### Article 22 (Fund)

The Designated Support Corporation shall establish a fund for its Support Business (in the following Article referred to as the "Fund") and appropriate the amount of money corresponding to the total amount of subsidies granted pursuant to the provisions of the said Article and the money contributed by non-governmental persons on the condition that said money is allocated as fund resources required for its Support Business.

#### Article 23 (The Subsidy for the Fund)

The Government may subsidize the fund to be appropriated for the Fund to the Designated Support Corporation within the scope of the budget.

#### Article 24 (Business Plans, etc.)

- (1) The Designated Support Corporation shall prepare a business plan and an income and expenditure budget relating to its Support Business pursuant to the Ordinance of the Ministry of the Environment and obtain approval from the Minister of the Environment. The same shall apply to cases where a change is made to such items.
- (2) The Designated Support Corporation shall prepare a business report and an income and expenditure settlement document relating to its Support Business and submit the same to the Minister of the Environment after each business year ends pursuant to the provisions of the Ordinance of the Ministry of the Environment

#### Article 25 (Separate Account)

The Designated Support Corporation shall separate the accounting relating to the Support Business from other accounting, and prepare and separate the special account.

#### Article 26 (Obligation to Maintain Confidentiality)

Any officer or employee, or former officer or former employee of the Designated Support Corporation shall not leak confidential information that may be obtained in connection with the business listed in item (i) or (ii) of Article 21, or in item (iv) of the said Article (limited to those incidental to the business listed in item (i) or (ii) of the said Article).

#### Article 27 (Supervision Order)

The Minister of the Environment may, to the extent necessary for enforcing the provisions of this chapter, give the Designated Support Corporation orders necessary for supervision with regard to the Support Business.

#### Article 28 (Rescission of Designation)

- (1) The Minister of the Environment may rescind the designation pursuant to paragraph (1) of Article 20 when the Designated Support Corporation falls under any of the following items.
  - (i) When it is found that the Support Business cannot be implemented in a proper and reliable manner.
  - (ii) When the Designated Support Corporation has violated the provisions of this chapter or a disposition given under the said provisions.
  - (iii) When the Designated Support Corporation has received the designation under paragraph (1) of Article 20 by a dishonest means.
- (2) The Minister of the Environment shall, when having rescinded the designation pursuant to the provision of the preceding paragraph, publicly notify to that effect.

### **Chapter VII Miscellaneous Provisions**

#### Article 29 (Report and Inspection)

- (1) The Minister of the Environment or a prefectural governor may, to the extent necessary for enforcing this Act, request the Owner, etc. of the site pertaining to a Soil Contamination Investigation or the site in the Designated Area, or the person conducting or having conducted an Action for Removal, etc. or the change of the land character in the site in the Designated Area to report the situation of said site, the Action for Removal, etc., the situation of conducting the change of the land character, or any other necessary matters, or to direct the Minister's or

- governor's officials to visit the site and inspect the situation of said site, the Action for Removal, etc., or the situation of conducting the change of the land character.
- (2) The collection of the report by the Minister of the Environment or the inspection by the Minister's officials under the preceding paragraph shall be executed only in cases where an urgent necessity is recognized to prevent harmful effects on human health from occurring due to the soil contamination caused by any Designated Hazardous Substance.
  - (3) The Minister of the Environment may, to the extent necessary for enforcing this Act, request a Designated Investigation Institution or the Designated Support Corporation to report as required the situation of its business or account, or to direct the Minister's officials to visit its site and inspect the situation of its business or books, documents, and other properties.
  - (4) Officials who conduct an on-site inspection pursuant to the provision of paragraph (1) or the preceding paragraph shall carry their respective identification certificates and present it to persons concerned.
  - (5) The authority to conduct an on-site inspection set forth in paragraph (1) or (3) shall not be interpreted as being granted for the purpose of criminal investigation.

#### Article 30 (Consultation)

A prefectural governor shall, when intending to issue an order pursuant to the provisions of paragraph (3) of Article 3, paragraph (1) of Article 4, paragraph (1) or (2) of Article 7, or paragraph (4) of Article 9, concerning the land specified by Cabinet Order as the one where a person conducts the management of facilities to be used for public pursuant to the provisions of laws and regulations, consult with the person conducting the management of said facility in advance.

#### Article 31 (Request, etc. for Submission of Materials )

- (1) The Minister of the Environment may request a head of a relevant local government to submit necessary materials and to explain them when he/she finds it necessary for achieving the purposes of this Act.
- (2) A prefectural governor may request a head of a relevant administrative organ or of a relevant local government to provide some forms of cooperation including to submit necessary materials, or may state his/her opinion about gaining understanding of the situation of the soil contamination by Designated Hazardous Substances and preventing the harmful effects on human health by the said contamination.

#### Article 32 (Instructions of the Minister of the Environment)

The Minister of the Environment may, when he/she recognizes an urgent necessity to prevent harmful effects on human health from occurring due to the soil

contamination caused by any Designated Hazardous Substance, give a prefectural governor or a head of city (including special wards) specified by the Cabinet Order under Article 37 the necessary instructions with respect to the affairs listed in the following items:

- (i) Affairs with regard to the confirmation prescribed in paragraph (1) of Article 3.
- (ii) Affairs with regard to orders prescribed in paragraph (3) of Article 3, paragraph (1) of Article 4, paragraph (1) and (2) of Article 7, and paragraph (4) of Article 9.
- (iii) Affairs with regard to investigations prescribed in paragraph (2) of Article 4.
- (iv) Affairs with regard to designations prescribed in paragraph (1) of Article 5.
- (v) Affairs with regard to public notices prescribed in paragraph (2) of Article 5.
- (vi) Affairs with regard to cancellations prescribed in paragraph (4) of Article 5.
- (vii) Affairs with regard to an Action for Removal, etc. prescribed in paragraph (2) of Article 4 as applied mutatis mutandis under paragraph (3) of Article 7.
- (viii) Affairs with regard to requesting the cooperation or stating prescribed in paragraph (2) of the preceding article.

#### Article 33 (State Assistance)

- (1) In order to prevent any harmful effects on human health from occurring due to contamination by any Specified Hazardous Substance in soil, the State shall endeavor to provide some forms of assistance including mediation of necessary fund for conducting a Soil Contamination Investigation or an Action for Removal, etc. in the site of the Designated Area, and technical advice.
- (2) The State shall, when executing the measures prescribed in the preceding paragraph, give special consideration to a small and medium sized enterprise operator.

#### Article 34 (Promotion, etc. of Research)

The State shall endeavor to promote research on technologies concerning an Action for Removal, etc. of the soil contamination and any other in order to prevent the harmful effects on human health caused by the soil contamination by Designated Hazardous Substances and to disseminate the results of such research.

#### Article 35 (Enhancement of Citizen's Understanding)

- (1) The State and local governments shall endeavor, through educational, publicity, and any other activities, to increase citizen's understanding of the harmful effects on human health caused by the soil contamination by Designated Hazardous Substances.
- (2) The State and local governments shall endeavor to nurture human resources for performing the responsibilities set forth in the preceding paragraph.

#### Article 36 (Transitional Measures)

In the case of establishment, revision or abolition of an order pursuant to this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be set in that order to the extent considered reasonably necessary along with the establishment, revision or abolition.

#### Article 36-2 (Delegation)

The authority of the Ministry of the Environment provided for in this Act may, as stipulated in the Ordinance of the Ministry of the Environment, delegate to a head of the Regional Environmental Affairs Office.

#### Article 37 (Affairs Processed by a Head of the City Prescribed in the Cabinet Order)

Part of the affairs that are under the authority of the head of local governments according to the provisions of this Act may be undertaken by a head of the city prescribed in the Cabinet Order pursuant to the provisions of the Cabinet Order.

### **Chapter VIII Penal Provisions**

#### Article 38

Any person who has violated an order issued under paragraph (3) of Article 3, paragraph (1) of Article 4, paragraph (1) or (2) of Article 7, or paragraph (4) of Article 9 shall be punished by imprisonment with work of not more than one year or by a fine of not more than 1,000,000 yen.

#### Article 39

Any person who fails to not make a notification in accordance with the provisions of paragraph (1) of Article 9, or who has made a false notification, shall be punished by imprisonment with work for not more than three months or by a fine of not more than 300,000 yen.

#### Article 40

Any person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

- (i) a person who has violated the provisions of Article 26;
- (ii) a person who fails to make a report in accordance with the provisions of paragraph (1) or (3) of Article 29, or has made a false report, or has refused, hindered or evaded the inspection in accordance with these provisions.

#### Article 41

If any representative of a juridical person, or any agent, employee or other workers of a juridical person or of an individual, commits any of the violations prescribed in the preceding three articles concerning the business of the juridical person or individual, then not only the performer shall be punished but also the juridical person or individual shall be punished by the fine prescribed in the corresponding article.

#### Article 42

Any person who fails to make a notification in accordance with paragraph (2) or (3) of Article 9, or who has made a false notification, shall be punished by a civil fine of not more than 200,000 yen.

### **Supplementary Provisions**

#### Article 1 (Date of Enforcement)

This Act shall come into forces as from the date specified by the Cabinet Order within a period not exceeding nine months from the day of promulgation; provided, however, that the provisions of the following article shall come into forces as from the date specified by the Cabinet Order within a period not exceeding six months from the day of promulgation.

#### Article 2 (Preparatory Actions)

- (1) Designation pursuant to paragraph (1) of Article 3, and related procedures and other necessary actions, may be conducted according to the provisions of Articles 10 through 12 and Article 15 even if prior to the enforcement of this Act.
- (2) Designation pursuant to paragraph (1) of Article 20, and related procedures and other necessary actions, may be conducted according to the provisions of the paragraph (1) and (2) of Article 20 and paragraph (1) of Article 24 even if prior to this Act coming into force.

#### Article 3 (Transitional Measures)

The provisions of Article 3 shall not apply to land of the site of a plant or workplace pertaining to a Specified Facility the use of which has been abolished prior to the enforcement of this Act.

#### Article 4 (Delegation to Cabinet Orders)

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

Article 5 (Review)

The Government shall review, when ten years have elapsed from the enforcement of this Act, the modality of Support Business of the Designated Support Corporation with a view to abolishing such business, and examine the situation of enforcement of this Act and take necessary measures based on the results.