

(Provisional Translation)

LAW FOR THE CONTROL OF EXPORT, IMPORT & OTHERS OF SPECIFIED
HAZARDOUS WASTES AND OTHER WASTES

(Law No. 108, December 16, 1992)

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(Purpose)

Article 1

The purpose of this Law is to take measures to regulate the export, import, transportation and disposal of specified hazardous wastes, etc. in order to ensure accurate and smooth implementation of “the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal” (hereinafter referred to as “the Convention”) and other agreements, and thereby to contribute to the protection of human health and the sound living environment.

(Definition, Etc.)

Article 2

(1) In this Law, “specified hazardous wastes, etc.” means the following wastes (excluding the wastes specified by Cabinet Order and generated in association with the operations of vessels, and radioactive materials and the materials contaminated by such radioactive materials):

(i) Materials to be exported or imported for the disposal operations listed in Annex IV of the Convention (hereinafter referred to as “disposal”) that fall under any of the following (excluding the materials specified by a Cabinet Order and not requiring control in regard to their export, import, transportation (including storage in association with these; the same shall apply hereinafter) and disposal based on bilateral, multilateral or regional agreements or arrangements specified in Article 11 of the Convention (hereinafter referred to as “agreements other than the Convention”).

(a) Of the materials listed in Annex I of the Convention, those which have any of the hazardous characteristics listed in Annex III of the Convention and which are specified by a Cabinet Order by each different purpose of disposal and by either export or import.

(b) Materials listed in Annex II of the Convention

(c) Materials on which Japan has notified the Secretariat of the Convention as provided by Cabinet Order pursuant to the provisions of Article 3, paragraph 1 or 2 of the Convention

(d) Materials for which notification was received from the Secretariat of the Convention pursuant to the provisions Article 3, paragraph (3) of the Convention, and that are specified by an Ordinance of the Ministry of the Environment as materials pertaining to export, with the region pertaining to the notification in question as the region of destination or transit, or pertaining to import, with such region as the region of origin, shipment or transit.

(e) Materials which are designated as hazardous wastes specified in Article 1, paragraph 1 of the Convention at a foreign state which is a Party to the Convention (hereinafter referred to as a “Party to the Convention”) and which are specified by an Ordinance of the Ministry of the Environment as materials pertaining to export with the said contracting party to the Convention as the state of destination or state of transit.

(ii) Materials, specified by Cabinet Order, for which the export, import, transportation and disposal need to be controlled based on agreements other than the Convention”.

(2) In this Law, “movement document” means the movement document set forth in Article 4, paragraph 7 (c) of the Convention, which describes the matters listed in Annex VB of the Convention, or an equivalent document specified in agreements etc. other than the Convention.

(3) The Minister of the Environment shall, when the Minister intends to enact an Ordinance of the Ministry of the Environment set forth in paragraph (1), item (i) (a), (d) and (e), consult the Minister of Economy, Trade and Industry.

(Publication of Basic Matters)

Article 3

The Minister of Economy, Trade and Industry and the Minister of the Environment shall specify and publicize the following matters in order to ensure the accurate and smooth implementation of the Convention and agreements etc. other than the Convention (hereinafter referred to as “the Convention, etc.”). The same shall apply to the cases where such matters have been amended:

(i) Basic matters concerning measures to be taken to prevent any damage to human health or the living environment that is likely to occur in association with the export, import, transportation and disposal of specified hazardous wastes, etc.

(ii) Basic matters for the proper implementation of the operation that shall be considered by a person who implements any operation for export, import, transportation or disposal of specified hazardous wastes, etc.

(iii) Basic matters to be considered by the citizens to ensure the reduction of generation and the proper disposal of specified hazardous wastes, etc.

(iv) In addition to what is listed in the preceding three items, important matters to ensure the proper implementation of the export, import, transportation and disposal of specified hazardous wastes, etc.

(Export Approval)

Article 4

(1) Any person who intends to export specified hazardous wastes, etc. shall be obliged to obtain an export approval pursuant to the provision of Article 48, paragraph (3) of the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949).

(2) When an application for the export approval set forth in the preceding paragraph is made for specified hazardous wastes, etc. that are specified by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment, as specified hazardous wastes, etc. for which it is particularly necessary to prevent air pollution, water contamination and other environmental pollution (hereinafter simply referred to as “environmental pollution”) that is likely to occur in association with the disposal of specified hazardous wastes, etc. pertaining to the export, with the region of their destination specified by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment, the Minister of Economy, Trade and Industry shall send a copy of the written application to the Minister of the Environment.

(3) The Minister of the Environment shall, when the written application is sent to the Minister pursuant to the provision of the preceding paragraph, confirm whether necessary measures to prevent environmental pollution set forth by an Ordinance of Ministry of the Environment are taken in regard to the disposal of specified hazardous wastes, etc. pertaining to the written application and notify the Minister of Economy, Trade and Industry of the confirmation result.

(4) The Minister of Economy, Trade and Industry shall not approve the export set forth in paragraph (1) until the Minister receives notification from the Minister of the Environment that necessary measures to prevent environmental pollution are taken pursuant to the provision of the preceding paragraph.

(Issuance of an Export Movement Document, Etc.)

Article 5

(1) The Minister of Economy, Trade and Industry shall, when the Minister has approved the export set forth in paragraph (1) of the preceding Article, promptly issue a movement document pertaining to said specified hazardous wastes, etc. (hereinafter referred to as “export movement document”) to the person who has been granted the export approval.

(2) The Minister of Economy, Trade and Industry shall, when the Minister has issued an export movement document pursuant to the provision of the preceding paragraph, send a copy of the said export movement document to the Minister of the Environment.

(3) Any person to whom an export movement document has been issued pursuant to the provision of paragraph (1) shall, when the export movement document has been rendered unusable or lost, notify the Minister of Economy, Trade and Industry thereof without delay as provided in an Ordinance of the Ministry of Economy, Trade and Industry. In this case, the person who has obtained such export movement document may apply to the Minister of Economy, Trade and Industry to have the export movement document reissued as provided in an Ordinance of the Ministry of Economy, Trade and Industry.

(4) Any person to whom an export movement document has been issued pursuant to the provision of paragraph (1) shall, when the lost export movement document has been recovered in the case where the export movement document has been reissued pursuant to the provision of the second sentence of the preceding paragraph, notify the Minister of Economy, Trade and Industry thereof without delay, with the recovered export movement document attached as provided in an Ordinance of the Ministry of Economy, Trade and Industry.

(5) The export movement document form shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Transportation of Exported Specified Hazardous Wastes, Etc.)

Article 6

(1) When any person transports specified hazardous wastes, etc. for which an export movement document has been issued pursuant to the provision of paragraph (1) of the preceding Article (limited to those for which the export has been approved pursuant to the provision of Article 67 of the Tariff Law (Law No. 61 of 1954); hereinafter referred to as “exported specified hazardous wastes, etc.”), the person shall carry such export movement document.

(2) Any person who implements transportation by carrying an export movement document pursuant to the provision of the preceding paragraph shall enter the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment, including the date of receiving the exported specified hazardous wastes, etc., and sign the export movement document in question.

(3) When exported specified hazardous wastes, etc. are transported, the transportation shall be implemented in accordance with the contents of the export movement document pertaining to such exported specified hazardous wastes, etc. However, this shall not apply in the cases where an order is issued in regard to the transportation of the said exported specified hazardous wastes, etc. pursuant to the provision of Article 17, paragraph (1) or the provisions specified by the Cabinet Order of the act that is specified by the Cabinet Order set forth in the proviso of the same paragraph.

(Notification Pertaining to an Export Movement Document)

Article 7

(1) Any person to whom an export movement document has been issued pursuant to the provision of Article 5, paragraph (1) shall, in the following cases, notify the Minister of Economy, Trade and Industry and the Minister of the Environment thereof without delay as provided in an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment, with such export movement document attached: (i) When the export or transportation of exported specified hazardous wastes, etc. pertaining to the export movement document is suspended

(ii) When exported specified hazardous wastes, etc. pertaining to the export movement document are lost

(Import Approval)

Article 8

(1) Any person who intends to import specified hazardous wastes, etc. shall be obliged to obtain an import approval pursuant to the provision of Article 52 of the Foreign Exchange and Foreign Trade Law. However, this shall not apply in the case where a person certified under Article 14, paragraph (1) intends to import specified hazardous wastes, etc. for the purpose of using them in the disposal operations listed in Annex IV B of the Convention pertaining to the certification referred to in Article 14, paragraph (1) (hereinafter referred to as “recycling, etc.”) to be conducted by a person certified under Article 14, paragraph (1).

(2) The Minister of the Environment may, where the Minister finds it necessary in order to prevent environmental pollution, request necessary explanations from and state opinions to the Minister of Economy, Trade and Industry in advance before the Minister of Economy, Trade and Industry approves the export set forth in the preceding paragraph.

(Issuance of an Import Movement Document, Etc.)

Article 9

(1) When the Minister of Economy, Trade and Industry has approved the import set forth in paragraph (1) of the preceding Article and received a movement document pertaining to the specified hazardous wastes in question, etc. from the person who has been granted the import approval, the Minister shall, after confirming that such movement document is consistent with the details of the notification pursuant to the provision of Article 6, paragraph 1 of the Convention (including conditions if an agreement is made with conditions pursuant to the provision of paragraph 2 or 4 of the same Article), promptly issue a document certifying to that effect (hereinafter referred to as an “import movement document”).

(2) When any person to whom an import movement document has been issued pursuant to the provision of paragraph (1), or a person who has inherited or received, along with the import movement document, specified hazardous wastes, etc. pertaining to the said import movement document pursuant to the provision of Article 11 (hereinafter referred to as “person to whom an import movement document has been issued, etc.”) has rendered unusable or lost the said import movement document, the person shall notify the Minister of Economy, Trade and Industry thereof without delay as provided in an Ordinance of the Ministry of Economy, Trade and Industry. In this case, the person to whom an import movement document has been issued, etc. may apply to the Minister of Economy, Trade and Industry to have the import movement document reissued as provided in an Ordinance of the Ministry of Economy, Trade and Industry.

(3) Any person to whom an import movement document has been issued, etc. shall, when the lost import movement document has been recovered in the case where the import movement document has been reissued pursuant to the provision of the second sentence of the preceding paragraph, notify the Minister of Economy, Trade and Industry thereof without delay, with the recovered import movement document attached, as provided in an Ordinance the Ministry of Economy, Trade and Industry.

(4) The provisions of Article 5, paragraphs (2) and (5) shall apply *mutatis mutandis* to an import movement document. In this case, the term “the preceding paragraph” in paragraph (2) of the same Article shall be deemed to be replaced with “Article 9, paragraph (1).”

(Transportation or Disposal of Imported Specified Hazardous Wastes, etc.)

Article 10

(1) When any person transports or disposes of specified hazardous wastes, etc. for which an import movement document has been issued pursuant to the provision of paragraph (1) of the preceding Article (hereinafter referred to as “imported specified hazardous wastes, etc.”), the person shall carry such import movement document

(2) Any person who implements transportation or disposal while carrying an import movement document pursuant to the provision of the preceding paragraph shall enter the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment, including the date of receiving the imported specified hazardous wastes, etc., and sign the import movement document in question.

(3) When imported specified hazardous wastes, etc. are transported or disposed of, the transportation or disposal shall be implemented in accordance with the contents of the import movement document pertaining to such imported specified hazardous wastes, etc. However, this shall not apply in the following cases:

(i) Where the provisions of the Waste Disposal and Public Cleansing Law (Law No. 137 of 1970) or the provisions specified by the Cabinet Order set forth in the acts that are specified by the Cabinet Order to ensure the proper implementation of transportation or disposal of imported specified hazardous wastes, etc. apply, in regard to the transportation or disposal of such imported specified hazardous wastes, etc.

(ii) Where an order is issued in regard to the transportation or disposal of such imported specified hazardous wastes, etc. pursuant to the provision of Article 17,

paragraph (2) or the provisions specified by the Cabinet Order set forth in the acts that are specified by the Cabinet Order set forth in the proviso of the same paragraph

(4) Any person to whom an import movement document has been issued, etc. shall, when having implemented the transportation in a manner different from the contents of the said import movement document in the case of transportation pursuant to the provision specified in item (i) of the preceding paragraph or in accordance with an order specified in item (ii) of the same paragraph, notify the Minister of Economy, Trade and Industry thereof without delay as provided in an Ordinance of the Ministry of Economy, Trade and Industry and have the said import movement document amended.

(5) The Minister of Economy, Trade and Industry shall, when the Minister has amended an import movement document pursuant to the provision of the preceding paragraph, notify the Minister of the Environment thereof.

(Transfer of Imported Specified Hazardous Wastes, Etc.) Article

11

When imported specified hazardous wastes, etc. are assigned or consigned, or delivered or received, the import movement document pertaining to such imported specified hazardous wastes, etc. shall accompany them.

(Notification Pertaining to an Import Movement Document)

Article 12

(1) Any person to whom an import movement document has been issued, etc. shall, in the following cases, notify the Minister of Economy, Trade and Industry and the Minister of the Environment thereof without delay as provided in an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment, with such import movement document attached:

(i) When imported specified hazardous wastes, etc. pertaining to the import movement document are disposed of

(ii) When the transportation or disposal of imported specified hazardous wastes, etc. pertaining to the import movement document is suspended

(iii) When imported specified hazardous wastes, etc. pertaining to the import movement document are lost

(2) In regard to the application of the provision of the preceding paragraph in the case where imported specified hazardous wastes, etc. pertaining to the import movement document fall under Article 2, paragraph (1) of the Waste Disposal and Public Cleansing Law (simply referred to as “wastes” in Article 17, paragraph (2)), the term “an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment” in the same paragraph shall be deemed to be replaced with “an Ordinance of the Ministry of the Environment,” and the term “the Minister of Economy, Trade and Industry and the Minister of the Environment” in the same paragraph shall be deemed to be replaced with “the Minister of the Environment.”

(Notice)

Article 13

Any person who implements disposal pertaining to an import movement document shall, when having received the delivery of imported specified hazardous wastes, etc. and disposed of imported specified hazardous wastes, etc in accordance with the contents of the import movement document in question, notify the following persons thereof without delay as provided in an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment:

- (i) The other party from which imported specified hazardous wastes in question, etc. are imported
- (ii) Competent authorities of the region of origin, shipment or transit of the imported specified hazardous wastes in question, etc.

(Certification of an Importer for the Purpose of Recycling, etc.)

Article 14

(1) A person who intends to import specified hazardous wastes, etc. may receive certification by the Minister of Economy, Trade and Industry and Minister of the Environment in regard to compliance with each of the following items as stipulated by an Ordinance of the Ministry of Economic, Trade and Industry and Ministry of the Environment.

- (i) The purpose of the said import is recycling, etc. to be conducted by a person certified under paragraph (1) of the following Article pertaining to the said certification.
- (ii) A person who intends to conduct the said import is a person conforming to the standards stipulated by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment as a person who can adequately conduct the said import.

(iii) The said import and transportation to a facility pertaining to the certification referred to in paragraph (1) of the following Article conform to the standards stipulated by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment as those which do not interfere with the protection of human health and sound living environment.

(2) A person who intends to receive the certification referred to in the preceding paragraph shall submit a written application describing the following items and other documents stipulated by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment to the Minister of Economy, Trade and Industry and Minister of the Environment pursuant to an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment.

(i) The name or trade name and corporation number and name of the representative in the case of a juridical person

(ii) Matters concerning a person certified under paragraph (1) of the following Article pertaining to item (iii) of the preceding paragraph

(iii) Types of specified hazardous wastes, etc. to be imported and method of import

(3) The Minister of Economy, Trade and Industry and Minister of the Environment, when a person intending to receive the certification referred to in paragraph (1) is found to be in conformity with each item of the said paragraph, shall award the certification referred to in the said paragraph.

(4) The certification referred to in paragraph (1) shall cease to be effective with the elapse of a period of not more than five years to be specified by the Cabinet Order unless it is renewed by the end of each such period.

(5) When a person who is certified in paragraph (1) intends to change the matters listed in each item of paragraph (2), the said person shall receive the certification by the Minister of Economy, Trade and Industry and Minister of the Environment as provided for by an Ordinance of the Ministry of Economic Trade and Industry and Ministry of the Environment. However, this shall not apply if such changes are minor changes specified by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment.

(6) The provision of paragraph (3) shall apply *mutatis mutandis* to the renewal of the certification referred to in paragraph (4) and certification under the preceding paragraph. In this case, the term “each item of the said paragraph” in paragraph (3) shall be deemed to be replaced with “each item of paragraph (1)”.

(7) A person who is certified under paragraph (1) shall, when the said person has made minor changes specified by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment in the proviso of paragraph (5), notify the Minister of Economy, Trade and Industry and Minister of the Environment thereof without delay as provided for by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment.

(8) If a person who has received the certification referred to in paragraph (1) is found not to conform to any of the items in the said paragraph or to have violated the provision of paragraph (5) or the preceding paragraph, the Minister of Economy, Trade and Industry and Minister of the Environment may revoke the said certification.

(9) In addition to the matters set forth in each of the preceding paragraphs, necessary matters concerning the certification referred to in paragraph (1) and paragraph (5) and renewal of the certification referred to in paragraph (4) shall be specified by a Cabinet Order.

(Certification of a Business Operator Engaged in Recycling, etc.)

Article 15

(1) A person who intends to conduct the recycling, etc. of specified hazardous wastes, etc. may receive the certification of conformity with each of the following items by the Minister of Economy, Trade and Industry and Minister of the Environment as specified by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment.

(i) A person intending to conduct the said recycling, etc. conforms to the standards stipulated by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment as a person who can adequately conduct the said recycling, etc.

(ii) A facility which has been established or is to be established by a person intending to conduct the said recycling, etc. and the said recycling, etc. at the said facility conform to the standards stipulated by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment as those which do not interfere with the protection of human health and a sound living environment

(2) A person who intends to receive the certification referred to in the preceding paragraph shall submit a written application describing the following items and other documents stipulated by an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment to the Minister of Economy, Trade and Industry and Minister of the Environment pursuant to an Ordinance of the Ministry of Economy, Trade and Industry and Ministry of the Environment.

(i) The name or trade name and corporation number and name of the representative in the case of a juridical person

(ii) Facility where the recycling, etc. is planned to take place

(iii) Types of specified hazardous wastes, etc. of which the recycling, etc. is intended and method of treatment

(3) If a person intending to receive the certification referred to in paragraph (1) is recognized as conforming to each item of the said paragraph, the Minister of Economy, trade and Industry and Minister of the Environment shall give the certification referred to in the said paragraph.

(4) The certification referred to in paragraph (1) shall cease to be effective with the elapse of a period of not more than five years to be specified by a Cabinet Order unless it is renewed by the end of each such period.

(5) The provisions of paragraph (5) through paragraph (8) of the preceding Article shall apply *mutatis mutandis* to the certification referred to in paragraph (1). In this case, the term “each item of paragraph (2)” in paragraph (5) of the same Article shall be deemed to be replaced with “each item of paragraph (2) of the following Article”, the terms “of paragraph (3)”, “paragraph (4)” and “in paragraph (3)” in paragraph (6) of the same Article shall be deemed to be replaced with “of paragraph (3) of the following Article”, “paragraph (4) of the said Article” and “in paragraph (3) of the said Article” respectively.

(6) In addition to the matters set forth in each of the preceding paragraphs, the necessary matters concerning paragraph (1), the certification referred to in paragraph (5) of the preceding Article which is applied *mutatis mutandis* pursuant to the provisions of the preceding paragraph and the renewal of certification referred to in paragraph (4) shall be specified by a Cabinet Order.

(Application *Mutatis Mutandis* of the Provisions Concerning the Import Movement Document)

Article 16

In the case where a person certified under Article 14, paragraph (1) imports specified hazardous wastes, etc. for the purpose of using them for recycling, etc. by a person certified under paragraph (1) of the preceding Article pertaining to the certification referred to in the said paragraph, the provisions of the first sentence of paragraph (2) and paragraph (3) of Article 9 and Article 10 through Article 13 (including the penal provisions pertaining to these provisions) shall apply *mutatis mutandis*. In this case, the terms listed in the middle column of the following table in the provisions listed in the left-

hand column of the said table shall be deemed to be replaced with the terms listed in the right-hand column of the said table respectively.

First sentence of Article 9, paragraph (2)	any person to whom an import movement document has been issued pursuant to the provision of paragraph (1)	a person who has imported specified hazardous wastes, etc. and has been certified under Article 14, paragraph (1)
	with the import movement document	with the movement document pertaining to the said specified hazardous wastes, etc.
	the said import movement document	the said movement document
	the person to whom an import movement document has been issued, etc.	the importer, etc. for the purpose of recycling, etc.
Article 9, paragraph (3)	any person to whom an import movement document has been issued, etc.	the importer, etc. for the purpose of recycling, etc.
	in the case where the import movement document has been re-issued pursuant to the provision of the second sentence of the preceding paragraph,	or, when a movement document of which the contents are the same as the movement document rendered unusable or lost is obtained in the case of the first sentence of the preceding paragraph,
	the lost import movement document	the lost movement document
	without delay, with the recovered import movement document attached	without delay
Article 10, paragraph (1)	for which an import movement document has been issued pursuant to the provision of paragraph (1) of the preceding Article	which was imported by a person certified under Article 14, paragraph (1)
	such import movement document	the import movement document pertaining to the said imported specified hazardous wastes, etc.
Article 10, paragraph (2) and paragraph (3)	an import movement document	the movement document

Article 10, paragraph (4)	Any person to whom an import movement document has been issued, etc.	An importer, etc. for the purpose of recycling, etc.
	The said import movement document	the movement document carried by the said importer, etc. for the purpose of recycling, etc.
Article 10, paragraph (5), Article 11 and the Headwords of Article 12	an (the) import movement document	the movement document
Article 12, paragraph (1)	Any person to whom an import movement document has been issued, etc.	An importer, etc. for the purpose of recycling, etc.
	such import movement document	the movement document carried by the said importer, etc. for the purpose of recycling, etc.
	pertaining to the import movement document	pertaining to the movement document
Article 12, paragraph (2), Article 13, Article 25, item (iii) and Article 26, item (i)	the import movement document	the movement document

(Order for Measures)

Article 17

(1) The Minister of Economy, Trade and Industry and the Minister of the Environment may, when it is found particularly necessary in order to prevent damage to human health or the living environment if specified hazardous wastes, etc. are not properly exported, including the case where the export of specified hazardous wastes, etc. or the transportation or disposal in association with the export (hereinafter referred to as “export etc. of specified hazardous wastes, etc.” in this paragraph) contravenes the provisions of this Law or the provisions of the Cabinet Order pursuant to the provision of Article 48, paragraph (3) of the Foreign Exchange and Foreign Trade Law, issue an order to the person who has exported such specified hazardous wastes, etc. or transports the exported specified hazardous wastes, etc. or the discharger thereof (referring to the person who has discharged such specified hazardous wastes, etc., and in the case such a person

is not clear, the person who has owned or managed the specified hazardous wastes in question, etc.; hereinafter the same shall apply), to whom the export etc. of the said specified hazardous wastes, etc. not being properly implemented is attributable, to take necessary measures, including measures for recovering or properly disposing of such specified hazardous wastes, etc. However, this shall not apply in the case where the provisions specified by the Cabinet Order set forth in the acts that are specified by the Cabinet Order to ensure the proper implementation of export, etc. of such specified hazardous wastes, etc. apply.

(2) The Minister of Economy, Trade and Industry and the Minister of the Environment may, when it is found particularly necessary in order to prevent damage to human health or the living environment if specified hazardous wastes, etc. are not properly imported, including the case where the import, transportation or disposal of specified hazardous wastes, etc. (excluding those that fall under wastes; hereinafter the same shall apply in paragraph (2) of the following Article and Article 16, paragraph (2)) (hereinafter referred to as “import, etc. of specified hazardous wastes, etc.” in this paragraph) contravenes the provisions of this Law or the provisions of the Cabinet Order pursuant to the provision of Article 52 of the Foreign Exchange and Foreign Trade Law, issue an order to the person who has imported such specified hazardous wastes, etc. or the person who transports or disposes of the imported specified hazardous wastes, etc. to take necessary measures, including proper disposal of the specified hazardous wastes in question, etc. However, this shall not apply in the case where the provisions specified by the Cabinet Order set forth in the acts that are specified by the Cabinet Order to ensure the proper implementation of import, etc. of the specified hazardous wastes in question, etc. apply.

(Collection of Report)

Article 18

(1) The Minister of Economy, Trade and Industry and the Minister of the Environment may, within the limit necessary for the enforcement of this Law, have the person who has exported specified hazardous wastes, etc., the person who transports exported specified hazardous wastes, etc. or the discharger thereof report on their operation.

(2) The Minister of Economy, Trade and Industry and the Minister of the Environment may, within the limit necessary for the enforcement of this Law, have the person who has imported specified hazardous wastes, etc., the person who transports or disposes of imported specified hazardous wastes, etc. or the person who has received the

certification referred to in Article 14, paragraph (1) or Article 15, paragraph (1) report on their operation.

(On-Site Inspection)

Article 19

(1) The Minister of Economy, Trade and Industry and the Minister of the Environment may, within the limit necessary for the enforcement of this Law, have the staff members enter the place of business, including the office, of the person who has exported specified hazardous wastes, etc., the person who transports exported specified hazardous wastes, etc. or the discharger thereof to inspect books, documents and other articles, ask the persons concerned questions or remove only the minimum amount of the said specified hazardous wastes, etc. necessary for inspection.

(2) The Minister of Economy, Trade and Industry and the Minister of the Environment may, within the limit necessary for the enforcement of this Law, have the staff members enter the place of business, including the office, of the person who has imported specified hazardous wastes, etc., the person who transports or dispose of imported specified hazardous wastes, etc. or the person who has received the certification referred to in Article 14, paragraph (1) or Article 15, paragraph (1) to inspect books, documents and other articles, ask the persons concerned questions or remove only the minimum amount of the said specified hazardous wastes, etc. necessary for inspection.

(3) The staff members shall, when entering the place of business pursuant to the provisions of the preceding two paragraphs, carry their personal identification card and present it to the persons concerned.

(4) The authority for on-site inspection, asking questions and removal of the wastes, etc. pursuant to the provision of paragraph (1) or (2) shall not be construed as being invested for criminal investigations.

(Fees)

Article 20

The following persons shall pay a fee specified by the Cabinet Order in consideration of the actual cost:

- (i) Person who applies for issuance of an export movement document
- (ii) Person who applies for re-issuance of an export movement document
- (iii) Person who applies for issuance of an import movement document

- (iv) Person who applies for re-issuance of an import movement document
- (v) Person who applies for the amendment of an import movement document
- (vi) Person who applies for the certification referred to in Article 14, paragraph (1) or its renewal
- (vii) Person who applies for the certification referred to in Article 14, paragraph (5)
- (viii) Person who applies for the certification referred to in Article 15, paragraph (1) or its renewal
- (ix) Person who applies for the certification referred to in Article 14, paragraph (5) which applies *mutatis mutandis* in Article 15, paragraph (5)
- (x) Person who applies for the amendment of the movement document pursuant to the provision of Article 10, paragraph (4) which applies *mutatis mutandis* in Article 16

(Hearing of Opinions in Appeal Procedure)

Article 21

- (1) Any determination or decision on an application for examination or on an opposition with respect to an order pursuant to the provision of Article 17 shall be rendered with advance notice issued to the requester or objector within a reasonable period of time and after holding a public hearing of opinions.
- (2) The advance notice set forth in the preceding paragraph shall indicate the date and place of the determination or decision to be made and the details of the case.
- (3) Upon the hearing of opinions, the requester or objector and the stakeholder(s) shall be presented with evidence relating to the case and be given opportunities to state their opinions.

(Transitional Measures)

Article 22

- (1) When an order is introduced, revised or abolished pursuant to the provisions of this Law, necessary transitional measures (including those relating to penal provisions) may be specified in such order within the scope found reasonably necessary in association with the introduction, revision or abolition.
- (2) In addition to the matters set forth in the preceding paragraph, necessary provisions (including transitional measures relating to penal provisions) may be established by Cabinet Order for the matters necessary in association with the implementation of the Convention, etc., including transitional measures when materials

listed in Annex I or Annex II of the Convention or the characteristics or disposal listed in Annex III of the Convention have been amended in accordance with the procedures specified by the Convention.

(Delegation of Authority)

Article 23

(1) The authority of the Minister of Economy, Trade and Industry specified by this Law may be delegated to Director Generals of the Bureau of Economy, Trade and Industry as provided in an Ordinance of the Ministry of Economy, Trade and Industry.

(2) The authority of the Minister of the Environment specified by this Law may be delegated to Director Generals of the Regional Environment Offices as provided in an Ordinance of the Ministry of the Environment.

(Penal Provisions)

Article 24

Any person who has contravened an order pursuant to the provision of Article 14 shall be punished by imprisonment with labor of not more than three years or a fine of not more than three million yen, or both.

Article 22

Any person who falls under any of the following items shall be punished by imprisonment with labor of not more than six months or a fine of not more than five hundred thousand yen, or both:

- (i) Any person who has failed to file a notification pursuant to the provision of the first sentence of Article 5, paragraph (3) or the first sentence of Article 9, paragraph (2) or has filed a false notification
- (ii) Any person who has contravened the provision of Article 6, paragraph (1) or (3); Article 10, paragraph (1) or (3); or Article 11
- (iii) Any person who, in contravention of the provision of Article 6, paragraph (2) or Article 10, paragraph (2), has failed to enter the respective matters specified in Article 6, paragraph (2) or Article 10, paragraph (2) or had a false entry, or has failed to sign or has written a false signature on an export movement document or an import movement document

- (iv) Any person who has failed to submit a report pursuant to the provision of Article 18 or has submitted a false notification
- (v) Any person who has refused, obstructed or challenged inspection or removal of the wastes, etc. pursuant to the provision of Article 19, paragraph (1) or (2), or has failed to answer or gave false answers to the questions under these provisions

Article 26

Any person who falls under any of the following items shall be punished by a fine of not more than five hundred thousand yen.

- (i) Any person who has failed to file a notification pursuant to the provision of Article 5, paragraph (4); Article 7; Article 9, paragraph (3) or Article 12, or has filed a false notification, or has failed to attach an export movement document or an import movement document, or has attached a false export movement document or a false import movement document
- (ii) Any person who has failed to file a notification pursuant to the provision of Article 10, paragraph (4) or has filed a false notification
- (iii) Any person who has failed to file a notice pursuant to the provision of Article 13 or has filed a false notice

Article 27

When any representative person of a legal person, or an agent or employee of a legal person or individual, has committed a contravention set forth in the preceding three Articles, not only shall the offender be punished, but the legal person shall also be punished by the fine set forth in the relevant Article.

Supplementary Provisions (Excerpts)

(Effective Date)

Article 1

This Law shall enter into force as of the date of the entry into force the Convention in Japan.

Supplementary Provisions (Law No. 18, March 31, 1993) (Excerpts)

(Effective Date)

Article 1

This Law shall enter into force as of the date specified by a Cabinet Order within a period not exceeding four months from the date of promulgation.

Supplementary Provisions (Law No. 89 of November 12, 1993) (Excerpts)

(Effective Date)

Article 1

This Law shall enter into force as of the date upon which the Administrative Procedure Law (Law No. 88 of 1993) enters into force.

(Transitional Measures Concerning Adverse Dispositions on Which Consultation, Etc. Are Made)

Article 2

Where a request for a consultation or other request has been made to a council or other council organization on the taking of procedures equivalent to procedures for holding hearings or granting the opportunity for explanation and other procedures for statement of opinions specified in Article 13 of the Administrative Procedure Law based on laws and regulations prior to the enforcement of this Law, the provisions then in force shall remain applicable to the procedures for adverse dispositions pertaining to the consultation or other request, notwithstanding the provisions of the relevant acts revised by this Law.

(Transitional Measures Concerning Penal Provisions)

Article 13

In regard to the application of the penal provisions to any act committed prior to the enforcement of this Law, the provisions then in force shall remain applicable.

(Transitional Measures Concerning Adjustment of Provisions Related to Hearings)

Article 14

Any hearings, hearings of questions, hearing meetings (excluding those pertaining to adverse dispositions), or procedures for such hearings that have been conducted pursuant to the provisions of acts prior to the enforcement of this Law, shall be deemed to have been conducted pursuant to the corresponding provisions of the relevant acts revised by this Law.

(Delegation to Cabinet Order)

Article 15

In addition to the provisions of Article 2 to Article 14 of Supplementary Provisions, other transitional necessary measures for the enforcement of this Law shall be specified by Cabinet Order.

Supplementary Provisions (Law No. 59, May 23, 1997) (Excerpts)

(Effective Date)

Article 1

This Law shall enter into force as of April 1, 1998.

Supplementary Provisions (Law No. 160, December 22, 1999) (Excerpts)

(Effective Date)

Article 1

This Law (excluding Articles 2 and 3) shall enter into force as of January 6, 2001.

Supplementary Provisions (Law No. 33, April 27, 2005) (Excerpts)

(Effective Date)

Article 1

This Law shall enter into force as of October 1, 2005.

(Transitional Measures)

Article 24

Where an order is introduced, revised or abolished pursuant to the provisions of the respective acts revised by this Law, necessary transitional measures (including those relating to penal provisions) may be specified in such order within the scope that is found reasonably necessary in association with the introduction, revision or abolition.