

(Provisional Translation)

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

(Law No. 108, December 16, 1992)

Latest revision: Law No. 33, April 27, 2005

(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:

(a) Materials listed in Annex I of the Convention that have any of the hazardous characteristics listed in Annex III of the Convention

(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 the Ministry of the Environment ordinance 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.

(ii) Materials, specified by Cabinet Order, for which the export, import, transportation (including storage in association with these; hereinafter the same shall apply) and disposal need to be controlled based on bilateral, multilateral or regional agreements or arrangements specified in Article 11 of the Convention (hereinafter referred to as “agreements etc. 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 the Ministry of the Environment ordinance set forth in paragraph (1), item (i) (d), 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 the Ministry of Economy, Trade and Industry and Ministry of the Environment joint ordinance, 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 the Ministry of Economy, Trade and Industry and Ministry of the Environment joint ordinance, 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 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 the Ministry of Economy, Trade and Industry ordinance. 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 the Ministry of Economy, Trade and Industry ordinance.

(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 the Ministry of Economy, Trade and Industry ordinance.

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

(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 the Ministry of Economy, Trade and Industry and Ministry of the Environment joint ordinance, 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 14, 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 the Ministry of Economy, Trade and Industry and Ministry of the Environment joint ordinance, 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.

(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 specified hazardous wastes, etc. have been consigned or received 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 import movement document, the person shall notify the Minister of Economy, Trade and Industry thereof without delay as provided in the Ministry of Economy, Trade and Industry ordinance. 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 the Ministry of Economy, Trade and Industry ordinance.

(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 the Ministry of Economy, Trade and Industry ordinance.

(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 the Ministry of Economy, Trade and Industry and Ministry of the Environment joint ordinance, 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 14, 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 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 the Ministry of Economy, Trade and Industry ordinance and have the 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 the Ministry of Economy, Trade and Industry and Ministry of the Environment joint ordinance, 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 14, paragraph (2)), the term “the Ministry of Economy, Trade and Industry and Ministry of the Environment joint ordinance” in the same paragraph shall be deemed to be replaced with “the Ministry of the Environment ordinance,” 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 the Ministry of Economy, Trade and Industry and Ministry of the Environment joint ordinance:

(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.

(Order for Measures)

Article 14

(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 15

(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. or the person who transports or disposes of imported specified hazardous wastes, etc. report on their operation.

(On-Site Inspection)

Article 16

(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. or the person who transports or dispose of imported specified hazardous wastes, etc. 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 17

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

(Hearing of Opinions in Appeal Procedure)

Article 18

(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 14 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 19

(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 20

(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 the Ministry of Economy, Trade and Industry ordinance.

(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 the Ministry of the Environment ordinance.

(Penal Provisions)

Article 21

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 15 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 16, paragraph (1) or (2), or has failed to answer or gave false answers to the questions under these provisions

Article 23

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 24

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.