

MINISTERIAL ORDER SPECIFYING THE SCOPE OF
SPECIFIED HAZARDOUS WASTES AND OTHER
WASTES BASED ON THE LAW FOR THE CONTROL OF
EXPORT, IMPORT & OTHERS OF SPECIFIED
HAZARDOUS WASTES AND OTHER WASTES

(Ministry of the Environment Order No. 12, June 18, 2018)

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With the enforcement of the Act Partially Amending the Law for the Control of Export, Import & Others of Specified Hazardous Wastes and Other Wastes (Act No. 62, 2017) and of the Cabinet Order Partially Amending the Order for Enforcement of the Law for the Control of Export, Import & Others of Specified Hazardous Wastes and Other Wastes and the Order for Enforcement of the Administrative Complaint Review Act (Cabinet Order No. 7, 2018), and based on the Law for the Control of Export, Import & Others of Specified Hazardous Wastes and Other Wastes (Law No. 108, 1992) and the Order for Enforcement of the Law for the Control of Export, Import & Others of Specified Hazardous Wastes and Other Wastes (Cabinet Order No. 282, 1993), and in order to implement that Act, the Ministerial Order Specifying the Scope of Specified Hazardous Wastes and Other Wastes Based on the Law for the Control of Export, Import & Others of Specified Hazardous Wastes and Other Wastes is specified as follows.

(Definition of Terms)

Article 1

The terms used in this Ministerial Order shall be in accordance with the terms used in the Law for the Control of Export, Import & Others of Specified Hazardous Wastes and Other Wastes (hereinafter referred to as “the Law”).

(Materials That Do Not Need To Be Regulated by Japan According to the Council Decision)

Article 2

The materials specified by the Ministry of the Environment Order under Article 2,

paragraph (1) of the Order for Enforcement of the Law for the Control of Export, Import & Others of Specified Hazardous Wastes and Other Wastes (hereinafter referred to as “the Order”) shall be those exported from Japan to any Member State of the Organization for Economic Co-operation and Development except Japan, or those imported from any Member State of the Organization for Economic Co-operation and Development except Japan to Japan, which fall under any of the following.

(i) Materials for which the disposal operation set forth in the middle column of item (ii) of the appended Table 1 is to be performed as the disposal operation set forth in Annex IV B to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (hereinafter referred to as “the Convention”), and which are set forth in the middle column of the appended Table 2;

(ii) Materials for which the analytical tests based on Chapter II, D (1), (c) of the Decision of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations of the Organization for Economic Co-operation and Development (referred to simply as “analytical tests” in Article 4, paragraph (2)), are to be performed, and whose weight is 25 kilograms or less (excluding those containing 50 ppm (parts per million) or more polychlorinated biphenyl (hereinafter referred to as “PCB”)).

(Scope of Specified Hazardous Wastes, etc.)

Article 3

The materials specified in the Ministry of the Environment Order under Article 2, paragraph (1), item (i), (a) of the Law which pertain to exports shall be those not falling under any of the materials set forth in the middle column of the appended Table 3, and which fall under or contain any of the materials set forth in the middle column of the appended Table 4, in the left column of the appended Table 5 or in the left column of the appended Table 6 (excluding those specified in the Cabinet Order under the text of Article 2, paragraph (1), item (i) of the Law).

Article 4 (1)

The materials specified in the Ministry of the Environment Order under Article 2, paragraph (1), item (i), (a) of the Law which pertain to imports shall be those not falling under any of the materials set forth in the middle column of the appended Table 3, and which fall under or contain any of the materials set forth in the middle column of the appended Table 4, in the left column of the appended Table 5 or in the left column of the appended Table 6 (excluding those specified in the Cabinet Order under the text of Article 2, paragraph (1), item (i) of the Law and those imported to Japan from any Member State of the Organization for Economic Co-operation and Development except Japan, that fall under any of Article 2, item (i) or (ii)).

(2) The materials set forth in Annex II to the Convention under Article 2, paragraph (1), item (i), (b) of the Law pertaining to imports for which analytical tests are to be performed, and whose weight is 25 kilograms or less are deemed not to fall under specified hazardous wastes, etc.

(Materials Deemed To Be Hazardous Wastes in Foreign Member States of the Convention)

Article 5

The materials specified in the Ministry of the Environment Order under Article 2, paragraph (1), item (i), (e) of the Law are materials deemed to be hazardous wastes as prescribed in Article 1-1 of the Convention (excluding the items listed in Article 3) in the Hong Kong Special Administrative Region of the People's Republic of China (referred to as "Hong Kong" hereinafter in this Article), and whose export destination or transit point is Hong Kong.

(Necessary Measures To Prevent Environmental Pollution)

Article 6

The measures specified in the Ministry of the Environment Order under Article 4, paragraph (3) of the Law are the measures set forth in each of the following items, in accordance with the corresponding category set forth in the respective item.

(i) In cases where the specified hazardous wastes, etc. pertaining to the export (excluding those for which analytical tests are to be performed) are disposed of (including transportation and storage in association therewith; the same applies hereinafter), measures complying with the following requirements:

(a) Any person who intends to perform disposal of specified hazardous wastes, etc. pertaining to the export shall:

1. have a sufficient financial base for accurately performing the disposal of specified hazardous wastes, etc. pertaining to the export;
2. if the person has been sentenced to imprisonment without work or heavier punishment, or has been sentenced to a fine pursuant to the provisions of any environment-related laws and regulations, the person shall have made it through five years since the completion of the execution of such sentence or the date from which the person was no longer subject to such execution;

3. not have committed an offence against any environment-related laws and regulations, or any other serious offence against other laws and regulations in the destination country of export;

4. have obtained the necessary permission, etc. in the destination country of export for performing disposal of the specified hazardous wastes, etc. pertaining to the export;

5. not be a person who is deemed, with an adequate basis, to be at risk of committing an unlawful or unfaithful act regarding the disposal of specified hazardous wastes, etc. pertaining to export;

(b) For the disposal of specified hazardous wastes, etc. pertaining to the export, the following requirements shall be complied with:

1. Necessary measures shall be taken to prevent dispersion and spillage of the specified hazardous wastes, etc. pertaining to the export;

2. Necessary measures shall be taken to prevent any hindrance to the preservation of the living environment due to odor, noise or vibration associated with the disposal of the specified hazardous wastes, etc. pertaining to the export;

3. The facility in which the disposal of the specified hazardous wastes, etc. pertaining to the export is performed shall have sufficient capacity for the quantity of such specified hazardous wastes, etc.;

4. It shall be found reasonable to assume that the exhaust gases, drainage water and residues generated in association with the disposal of the specified hazardous wastes, etc. pertaining to the export will be disposed of in a manner that will not fall below the standards required from the standpoint of the protection of human health and preservation of the living environment in Japan;

5. Necessary equipment shall be established at the facility in which the disposal of the specified hazardous wastes, etc. pertaining to the export is performed, from the standpoint of the protection of human health and preservation of the living environment in Japan;

6. In addition to those set forth in 1. To 5., it shall be found reasonable to assume that the specified hazardous wastes, etc. pertaining to export will be disposed of in a manner that will not fall below the standards required from the standpoint of the protection of human health and preservation of the living environment in Japan, as well as the standards determined based on Article 4-2 € of the Convention;

7. Any other necessary measures shall be taken from the standpoint of accurate and smooth implementation of the Convention and of the protection of human health and preservation of the living environment of the destination country of export.

(ii) In cases where the disposal of the specified hazardous wastes, etc. pertaining to the export (limited to those for performing analytical tests) is performed, measures complying with the following requirements:

(a) Any person who intends to perform disposal of specified hazardous wastes, etc. pertaining to the export shall:

1. if the person has been sentenced to imprisonment without work or heavier punishment, or has been sentenced to a fine pertaining to the provisions of any environment-related laws and regulations, the person shall have made it through five years since the completion of the execution of such sentence or the date from which the person was no longer subject to such execution;

2. not have committed an offence against any environment-related laws and regulations, or any other serious offence against other laws and regulations in the destination country of export;

(b) For the disposal of specified hazardous wastes, etc. pertaining to the export, the following requirements shall be complied with:

1. The purpose of such export shall be to perform analytical tests pertaining to the disposal operation set forth in the appended Table 1, as the disposal operation set forth in Annex IV to the Convention;

2. The analytical tests of the specified hazardous wastes pertaining to the export shall be found to be those contributing to the development of environmentally appropriate waste reduction technology, recycling methods and good management and disposal systems in order to minimize the generation of specified hazardous wastes, etc. and other wastes;

3. The amount of the specified hazardous wastes, etc. pertaining to the export shall be the minimum amount required for the analytical tests;

4. It shall be found reasonable to assume that the residues generated in association with the analytical tests of the specified hazardous wastes, etc. pertaining to the export will be disposed of in a manner that will not fall below the standards which are

required from the standpoint of the protection of human health and preservation of the living environment in the destination country of export;

5. Any other necessary measures shall be taken from the standpoint of accurate and smooth implementation of the Convention and of the protection of human health and preservation of the living environment of the destination country of export.

(Confirmation Document of Minister of the the Environment)

Article 7

According to the provisions of Article 4, paragraph (3) of the Act the documents with which the Minister of the Environment grants confirmation shall be the documents set forth in each of the following items, in accordance with the corresponding category set forth in the respective item.

(i) In cases where the specified hazardous wastes, etc. (excluding those for performing analytical tests) are exported, documents complying with the following requirements:

(a) A document in which the person who intends to perform disposal of specified hazardous wastes, etc. pertaining to the export pledges compliance with the requirements set forth in the preceding Article, item (i), (a), 2. and 3.:

(b) In cases where the person intending to perform disposal of specified hazardous wastes, etc. pertaining to the export is a corporation, a balance sheet and a profit and loss statement for each of the last three business years:

(c) In cases where the person intending to perform disposal of specified hazardous wastes, etc. pertaining to the export is an individual, a written statement concerning the person's assets:

(d) A document regarding the disposal capacity of the facility in which the disposal of the specified hazardous wastes, etc. pertaining to the export is intended to be performed, a disposal record of the last three years, and a disposal plan for the applicable specified hazardous wastes, etc.;

(e) A document clarifying the characteristics of the specified hazardous wastes, etc. pertaining to the export;

(f) A document containing a general description of the facility in which the disposal of specified hazardous wastes, etc. pertaining to the export is intended to be performed;

(g) An emission process chart of the facility that has generated the specified hazardous wastes, etc. pertaining to the export;

(h) A plan view, elevation plan, structural drawing, disposal process chart and design calculation clarifying the structure of the facility in which the disposal of specified hazardous wastes, etc. pertaining to the export is intended to be performed, and a sketch of the surroundings of that facility;

(i) A document regarding the disposal capacity and the disposal method for all the facilities in which exhaust gases, drainage water and residues generated in association with the disposal of the specified hazardous wastes, etc. pertaining to the export are intended to be disposed of;

(j) A document stating the concentrations of the hazardous materials contained in exhaust gases, drainage water and residues generated in association with the disposal of the specified hazardous wastes, etc. pertaining to the export;

(k) A document proving that the person intending to perform disposal of the specified hazardous wastes, etc. pertaining to the export has obtained the necessary permission, etc. in the destination country of export;

(l) A document describing the laws and regulations of the destination country of export that must be complied with in regard to disposal of specified hazardous wastes, etc.;

(m) A document indicating that any other necessary measures are taken from the standpoint of accurate and smooth implementation of the Convention and of the protection of human health and preservation of the living environment of the destination country of export.

(n) Any other necessary documents;

(ii) In cases where the specified hazardous wastes, etc. (limited to those for performing analytical tests) are exported, documents complying with the following requirements:

(a) A document in which the person who intends to perform disposal of specified hazardous wastes, etc. pertaining to the export pledges compliance with the requirements set forth in the preceding Article, item (ii), (a), 1. and 2.;

(b) A document describing the objectives, methods, process chart and period of the analytical tests of the specified hazardous wastes, etc. pertaining to the export;

(c) A document proving that the amount of the specified hazardous wastes, etc. pertaining to the export is the minimum amount required for the analytical tests;

(d) A document describing the manner in which the residues generated in association with the disposal of the specified hazardous wastes, etc. pertaining to the export are disposed of;

(e) A document indicating that any other necessary measures are taken from the standpoint of accurate and smooth implementation of the Convention and of the protection of human health and preservation of the living environment of the destination country of export.

(f) Any other necessary documents.

(Notification Pertaining to Person to Whom the Import Movement Document Has Been Issued)

Article 8

Any person, etc. to whom an import movement document (limited to the cases where the imported specified hazardous wastes, etc. pertaining to such import movement document fall under the wastes referred to in Article 2, paragraph (1) of the Waste Management and Public Cleansing Act (Act No. 137 of 1970; the same applies in the following Article)) has been issued shall, if such person falls under Article 12, paragraph (1), item (i) of the Law, notify the Minister of the Environment by means of the notification form pursuant to Form 1, with a copy of the notification form pursuant to Form 4 prescribed in Article 8, paragraph (1) of the Order for Enforcement of the Law for the Control of Export, Import and Others of Specified Hazardous Wastes and Other Wastes (Prime Minister's Office, Ministry of Health and Welfare, and Ministry of International Trade and Industry Joint Order No. 1, 1993; hereinafter referred to as "Enforcement Order") and Form 5 prescribed in paragraph (2) of the same Article attached.

Article 9

Any person, etc. to whom an import movement document has been issued shall, if that person falls under Article 12, paragraph (1), item (ii) or (iii) of the Law, notify the Minister of the Environment by means of a notification form pursuant to Form 2.

(Notification Pertaining to Import Operators, etc. for the Purpose of Recycling, etc.)

Article 10

Any import operators, etc. for the purpose of recycling, etc. (limited to the cases where the specified hazardous wastes, etc. pertaining to the import movement document carried by such import operators, etc. for the purpose of recycling, etc. fall under the

wastes referred to in Article 2, paragraph (1) of the Waste Management and Public Cleansing Act; the same applies in the following article) shall, if the operator falls under Article 12, paragraph (1), item (i) of the Law applied mutatis mutandis pursuant to Article 16 of the Law following the deemed replacement of terms, notify the Minister of the Environment, by February 28 of each year, by means of the notification form pursuant to Form 21 prescribed in Article 30, paragraph (1) of the Enforcement Ordinance regarding the recycling, etc. of specified hazardous wastes, etc. in the previous year, for each recycling, etc. operator involved in such specified hazardous wastes, etc., with a copy of the notification form pursuant to Form 4 prescribed in Article 8, paragraph (1) of the Enforcement Ordinance and Form 5 prescribed in paragraph (2) of the same Article attached.

Article 11

Any import operators, etc. for the purpose of recycling, etc. shall, if the person falls under Article 12, paragraph (1), item (ii) or (iii) of the Law applied mutatis mutandis pursuant to Article 16 of the Law following the deemed replacement of terms, notify the Minister of the Environment by means of a notification form pursuant to Form 2.

(Delegation of Authority)

Article 12

Pursuant to the provision of Article 23, paragraph (2) of the Law, the following authorities are delegated to the Director General of a Regional Environmental Office; provided, however, this shall not prevent the Minister of the Environment from exercising the authorities set forth in items (iii) to (viii) by the Minister him/herself:

- (i) The authority prescribed in Article 7 of the Law;
- (ii) The authority prescribed in Article 12 of the Law (including the cases where it is applied mutatis mutandis pursuant to the provision of Article 16 following the deemed replacement of terms);
- (iii) The authority prescribed in Article 15 of the Law;
- (iv) The authority prescribed in Article 18 of the Law;
- (v) The authorities prescribed in Article 19, paragraphs (1) and (2) of the Law;
- (vi) The authorities prescribed in Articles 10 to 12 of the Order;
- (vii) The authority prescribed in Article 26 of the Enforcement Ordinance;

(viii) The authority prescribed in Article 28, paragraph (2) of the Enforcement Ordinance;

Appended Table 2

(i)	Precious metals, or slag containing metals generated in association with sophisticated copper smelting	GB040
(ii)	Metal-containing materials that are: (i) electrical components made entirely of metals; (ii) printed circuit boards, electronic components, electric wires and other electronic scraps, or non-standard electronic components that are suited for recovery of base metals or precious metals; (iii) vessels or floating offshore structures to be dismantled (limited to those from which any freight or material generated as a result of the operation of such vessels has been removed); (iv) used fluid catalyst (excluding those that are in a liquid form);	GC010 GC020 GC030 GC050
(iii)	Fiberglass;	GE020
(iv)	Wastes of ceramics that have been baked after molding (including ceramic containers);	GF010
(v)	Materials whose main ingredients are inorganic matter, and which potentially contain metals or organic matter, and that are: (i) slag discharged from cinders or slag taps (limited to those emitted from coal-fired power plants); (ii) fly ash emitted from coal-fired power plants;	GG030 GG040
(vi)	Wastes from vinyl chloride polymer;	GH013

(vii)	Materials generated from tannery processes, leather processing or use of leather, and that are: (i) wastes from the hair of pigs, boars, badgers and other animals for brush production; (ii) wastes from horse hair; (iii) feathered skin or other feathered parts of birds, feathers or part thereof (limited to those unprocessed, or merely cleaned, disinfected or processed for preservation), or bird down (limited to those unprocessed, or merely cleaned, disinfected or processed for preservation)	 GN010 GN020 GN030
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Remarks:

(1) For items (iii) and (iv), those with scattering characteristics are excluded.

(2) The codes in the right column of each item correspond to the numbers in Annex 3 to the Council Decision.

(3) The materials set forth in this table do not include those which have come to possess the characteristics set forth in Annex III to the Convention, as a result of adhesion or contamination of any of the materials set forth in the appended Table 5 or 6.

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