

Act on Standardization and Proper Quality Labeling of Agricultural and Forestry Products

(Act No. 175 of May 11, 1950)

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Chapter I General Provisions

(Purpose of the Act)

Article 1 The purpose of this Act is to improve quality, increase productivity, improve the fairness and simplicity of transactions in, and rationalize the use or consumption of agricultural and forestry products by enacting and disseminating appropriate and rational standards for the products, and to help consumers choose products by enforcing proper quality labeling of them, thereby contributing to their smooth production and distribution, promotion of agricultural production based on consumer demand, and protection of the interests of consumers.

(Definitions, etc.)

Article 2 (1) For the purpose of this Act, the term "agricultural and forestry product" shall mean the product which fall under any of the following items, with the exception of liquors and drugs, quasi-drugs and cosmetics as provided in the Pharmaceutical Affairs Act (Act No. 145 of 1960):

(i) Foods and drinks, oils and fats; and

- (ii) Agricultural, forestry, livestock and fishery products as well as products manufactured or processed using such products as materials or ingredients (except those listed in the preceding item), and specified by Cabinet Order.
- (2) For the purpose of this Act, the term "standard" shall mean the quality standard for agricultural and forestry products (including the condition of the products, such as their shape, size, quantity, packing and packaging; the same shall apply hereinafter) and for the quality labeling thereof (including labeling of the name and source of origin but excluding nutritional composition labeling; the same shall apply hereinafter).
- (3) For the purpose of this Act, the term "Japanese Agricultural Standard" shall mean the standard enacted pursuant to the provisions of Article 7 that contain the following quality criteria for agricultural and forestry products:
 - (i) Standards for quality, such as grade, composition and performance (except those listed in the next item and item (iii));
 - (ii) Standards for the method of production; and
 - (iii) Standards for the method of distribution
- (4) Japanese Agricultural Standards pertaining to the standards listed in item (ii) or item (iii) of the preceding paragraph may be enacted for agricultural and forestry products whose value is found to increase because of the distinctive characteristics of their production or distribution processes.
- (5) For the purpose of this Act, the term "Registered Certifying Body" or "Registered Overseas Certifying Body" shall mean the juridical person that has been accredited as such by the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of paragraph (1) of Article 17-2 or these provisions as applied mutatis mutandis to Article 19-10, respectively.

Chapter II Deleted

Articles 3 to 6: Deleted.

Chapter III Enactment of Japanese Agricultural Standards

(Enactment of Japanese Agricultural Standards)

- Article 7 (1) Where the Minister of Agriculture, Forestry and Fisheries finds that Japanese Agricultural Standards should be enacted to attain the purposes prescribed in Article 1, he/she shall designate a type of agricultural and forestry product and enact a standard thereon.
- (2) Where a standard as set forth in the preceding paragraph is enacted, the current situation and outlook on the quality, production, transactions in, and use or consumption of the agricultural and forestry product to which the standard pertains as well as trends in international standardization shall be

considered, the intent of persons having a substantial interest shall be reflected, and any parties being under similar conditions shall not be unfairly discriminated against in its application.

- (3) When the Minister of Agriculture, Forestry and Fisheries enacts a standard pursuant to the provisions of paragraph (1) for a food or drink prescribed in paragraph (1) of Article 19-13 or an agricultural and forestry product prescribed in paragraph (3) of said Article, he/she shall not enact a standard in labeling of its quality. However, this shall not apply in the case where a standard in quality labeling is enacted for other items than those prescribed in paragraphs (1) to (3) of said Article.
- (4) When the Minister of Agriculture, Forestry and Fisheries enacts a standard pursuant to the provisions of paragraph (1) for an agricultural and forestry product whose quality may be easily discerned by users upon the purchase, he/she shall not be required to enact a standard in quality labeling therefore.
- (5) When the Minister of Agriculture, Forestry and Fisheries intends to enact a standard pursuant to the provisions of paragraph (1), he/ she shall, in advance, go through the resolution process of the Council, etc. (the organ prescribed in Article 8 of the National Government Organization Act (Act No. 120 of 1948)) for which is provided by Cabinet Order (hereinafter referred to as the "Council").

Article 8 (1) A prefecture or interested person may, in accordance with the procedure as provided for by MAFF Ordinance, designate a type of agricultural and forestry product and propose to the Minister of Agriculture, Forestry and Fisheries a Japanese Agricultural Standard should be enacted, accompanied by an original bill therefore.

- (2) In the case where the Minister of Agriculture, Forestry and Fisheries receives such a proposal pursuant to the provisions of the preceding paragraph, and finds that a Japanese Agricultural Standard should be enacted concerning the agricultural and forestry product set forth in such proposal, he/she shall submit the original bill prescribed in said paragraph to the Council for deliberation, but if he/she determines that enactment of the proposed Japanese Agricultural Standard is not necessary, then he/she shall notify the proposing party of such determination, together with the reason therefore.
- (3) In the case where the Minister of Agriculture, Forestry and Fisheries intends to give a notification as specified in the preceding paragraph, he/she shall gather the opinion of the Council in advance.

(Confirmation, Amendment and Abolishment of Japanese Agricultural Standards)

Article 9 The provisions of the preceding two Articles shall apply mutatis

mutandis to the confirmation, amendment or abolishment of a Japanese Agricultural Standard.

Article 10 By no later than the day which is five (5) years from the date of the enactment, confirmation, or amendment of a Japanese Agricultural Standard that was enacted, confirmed or amended pursuant to the provisions of Article 7 (including the cases where applied mutatis mutandis pursuant to the preceding Article), the Minister of Agriculture, Forestry and Fisheries shall have such Japanese Agricultural Standard deliberated by the Council as to whether or not it still remains appropriate, and shall promptly confirm that it is or, if it determined necessary, amend or abolish the same.

(Public Announcement)

Article 11 (1) The enactment, amendment or abolition of Japanese Agricultural Standards shall be carried out by public notification at least thirty (30) days in advance to the specified enforcement date.

(2) The confirmation of Japanese Agricultural Standards shall be carried out by public notification.

(Prohibition of Reference to the Japanese Agricultural Standards)

Article 12 No person shall refer to anything that is not a Japanese Agricultural Standard as a Japanese Agricultural Standard or any other name that might be confused therewith.

(Public Hearings)

Article 13 (1) The Minister of Agriculture, Forestry and Fisheries may hold a public hearing to hear the opinions of interested persons as to whether a Japanese Agricultural Standard should be enacted, or on a draft of such Japanese Agricultural Standard to be enacted whenever he/she deems it necessary.

(2) Any persons having a substantial interest in a Japanese Agricultural Standard may request the Minister of Agriculture, Forestry and Fisheries to hold a public hearing concerning whether or not such Japanese Agricultural Standard reflects the intent of all persons having a substantial interest and does not unfairly discriminate in its application against any parties being under similar conditions.

(3) Upon receipt of a request as specified in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries shall hold such public hearing.

(4) The Minister of Agriculture, Forestry and Fisheries shall investigate facts made clear at such public hearings and if he/she deems it necessary to amend the relevant Japanese Agricultural Standard, he/she shall submit the matter to

the Council to have the amendment appropriately deliberated thereof.

- (5) In addition to the matters specified in the preceding paragraphs, matters required in respect to public hearings shall be provided for in MAFF Ordinance.

**Chapter IV Grading in Accordance with the Japanese Agricultural
Standards
Section 1 Grading**

(Grading by Manufacturer, etc.)

- Article 14 (1) A manufacturer, processor (including preparation and sorting; the same shall apply hereinafter), importer or distributor of agricultural and forestry products (hereinafter referred to as the "Manufacturer, etc.") may, as provided for by MAFF Ordinance, having obtained a certification from a Registered Certifying Body for each factory or place of business and each type of agricultural and forestry product, evaluate whether or not his/her products pertaining to said certification complies with the relevant Japanese Agricultural Standard and affix to the relevant product, its package, container or invoice, a special label in accordance with the method specified in MAFF Ordinance indicating said product's conformity with the Japanese Agricultural Standard (hereinafter referred to as the "Grade Label").
- (2) A manager or controller for a production process of agricultural and forestry products such as producers, who is specified by MAFF Ordinance (hereinafter referred to as the "Production Process Manager") may, as provided for by MAFF Ordinance, having obtained a certification from a Registered Certifying Body for each farm or place of business and each type of agricultural and forestry product, evaluate whether or not his/her products pertaining to said certification complies with the relevant Japanese Agricultural Standard and affix a Grade Label (limited to the one pertaining to the standard listed in item (ii) of paragraph (3) of Article 2) to the relevant product, its package, container or invoice.
- (3) A manager or controller for a distribution process of agricultural and forestry products such as distributors, who is specified by MAFF Ordinance (hereinafter referred to as the "Distribution Process Manager") may, as provided for by MAFF Ordinance, having obtained a certification from a Registered Certifying Body for each distribution process and type of agricultural and forestry product, evaluate whether or not his/her products pertaining to said certification complies with the relevant Japanese Agricultural Standard and affix a Grade Label (limited to the one pertaining to the standard listed in item (iii) of paragraph (3) of Article 2) to the relevant product, its package, container or invoice.
- (4) The grading under the preceding three paragraphs shall be carried out based

on the inspection listed in each of the following items for each respective standard:

- (i) For the standard listed in Article 2, paragraph (3), item (i): The inspection of the agricultural and forestry product in accordance with MAFF Ordinance
 - (ii) For the standard listed in Article 2, paragraph (3), item (ii): The inspection of the production process of the agricultural and forestry product in accordance with MAFF Ordinance
 - (iii) For the standard listed in Article 2, paragraph (3), item (iii): The inspection of the distribution process of the agricultural and forestry product in accordance with MAFF Ordinance
- (5) The Manufacturer, etc., Production Process Manager or Distribution Process Manager of agricultural and forestry products who has obtained the certification listed in paragraphs (1) to (3) may, when deemed particularly necessary for efficient labeling, affix to the relevant agricultural and forestry product, its package, container or invoice, the Grade Label to which the certification pertains prior to the grading pursuant to the provisions of said paragraphs.
- (6) The agricultural and forestry product, its package, container or invoice on which the Grade Label is affixed pursuant to the provisions of the preceding paragraph shall not be transferred, consigned for transfer or displayed for transfer before the grading is carried out pursuant to the provisions of paragraphs (1) to (3).
- (7) The Manufacturer, etc., Production Process Manager or Distribution Process Manager of the agricultural and forestry product on which, its package, container or invoice the Grade Label is affixed pursuant to the provisions of paragraph (5) shall, when it is proved that such label does not conform to the result of the grading pursuant to the provisions of paragraphs (1) to (3) pertaining to said agricultural and forestry product, remove or delete the label without delay.
- (8) The technical standard for the certification listed in paragraphs (1) to (3) shall be prescribed by MAFF Ordinance.

(Grade Labeling by Subdivider)

Article 15 (1) An operator who subdivides consignments of agricultural and forestry products (including the one who subdivides and sells them by himself/herself; hereinafter referred to as the "Subdivider") may, as provided for by MAFF Ordinance, having obtained a certification from a Registered Certifying Body for each place of business and type of agricultural and forestry product, affix the same Grade Label (limited to that pertaining to the standard listed in item (ii) of paragraph (3) of Article 2; the same shall apply in this paragraph and Article 19-4) as has been affixed on the agricultural and

forestry product (including that carries the label on its package, container or invoice; the same shall apply in said Article) to the relevant product, its package or container after the subdivision of the consignment.

- (2) The provisions of paragraph (8) of the preceding Article shall apply mutatis mutandis to the certification of the provisions of the preceding paragraph.

(Grade Labeling by Importers)

Article 15-2 (1) The importer of the specified agricultural and forestry product prescribed in paragraph (1) of Article 19-15 (hereinafter referred to as the "Specified Agricultural and Forestry Product" in this Article, item (v) of paragraph (1) of Article 18 and Article 19-2) may, as provided for by MAFF Ordinance, having obtained a certification from a Registered Certifying Body for each place of business and type of Specified Agricultural and Forestry Product, affix a Grade Label to the relevant Specified Agricultural and Forestry Product, its package, container or invoice to which a certificate or its copy for matters specified by MAFF Ordinance is attached upon the import.

- (2) The certificate prescribed in the preceding paragraph is limited to the one issued by the governmental organizations, including bodies recognized as equivalent to such organizations by the Minister of Agriculture, Forestry and Fisheries, of overseas countries which are designated by MAFF Ordinance as those have an equivalent grading system to the grading system under the Japanese Agricultural Standard concerning the Specified Agricultural and Forestry Product.

- (3) Upon the designation set forth in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries shall publicly notify without delay the name and other matters of the bodies recognized as equivalent to governmental organizations as provided for by MAFF Ordinance.

- (4) The provisions of paragraph (8) of Article 14 shall apply mutatis mutandis to the certification of the provisions of paragraph (1).

Section 2 Registered Certifying Body

(Accreditation of Registered Certifying Body)

Article 16 (1) A person who seeks to be accredited as a Registered Certifying Body (hereinafter in this Section referred to simply as the "Accreditation") (except the one who is to perform the certification set forth in paragraphs (1) to (3) of Article 14, paragraph (1) of Article 15, paragraph (1) of the preceding Article, Article 19-3 or Article 19-4 at offices located in a overseas country (hereinafter in this Section, paragraph (1) of Article 20 and paragraph (1) of Article 20-2 referred to simply as the "Certification")) shall make an application for Accreditation to the Minister of Agriculture, Forestry and

Fisheries, in accordance with the procedure as provided for by MAFF Ordinance, for each division as specified in MAFF Ordinance, by paying an application fee in the amount specified in Cabinet Order which shall take into consideration of the actual expenses.

- (2) In the cases where an application has been made pursuant to the provisions of the preceding paragraph and when the Minister of Agriculture, Forestry and Fisheries deems it necessary, he/she may have the Food and Agricultural Materials Inspection Center (hereinafter referred to as the "Center") conduct the necessary investigations with regard to whether said application complies with each of the items of paragraph (1) of Article 17-2.

(Disqualification Clause)

Article 17 Any juridical person who falls under any of the following items may not be accredited:

- (i) A juridical person or whose executive officer, who was sentenced to the penalty of a fine or heavier pursuant to the provisions of this Act and for whom one year has not elapsed since the date when the execution of the sentence was completed or the date when he/she ceased be amenable to the execution of the sentence;
- (ii) A juridical person whose Accreditation was cancelled pursuant to the provisions of paragraphs (1) to (3) of Article 17-12 or paragraphs (1) to (3) of Article 19-9 and for whom one year has not elapsed since the date of cancellation; or
- (iii) A juridical person any of whose executive officers was executing the business of the juridical person pertaining to the cancellation of Accreditation within thirty (30) days prior to the date of cancellation pursuant to the provisions of paragraphs (1) to (3) of Article 17-12 or paragraphs (1) to (3) of Article 19-9 and for whom one year has not elapsed since the date of cancellation.

(Criteria for Accreditation)

Article 17-2 (1) In the case where a person that has applied for the Accreditation pursuant to the provisions of paragraph (1) of Article 16 (hereinafter referred to as the "Accreditation Applicant") complies with all of the following requirements, the Minister of Agriculture, Forestry and Fisheries shall accredit such Accreditation Applicant. In this case, the necessary procedures related to the Accreditation shall be provided for in MAFF Ordinance.

- (i) The Accreditation Applicant is a juridical person who complies with the standards related to the organizations that perform the Certification specified in the International Organization for Standardization and the International Electrotechnical Commission.

- (ii) The Accreditation Applicant does not fall under any of the following as an entity controlled by a Manufacturer, etc., Production Process Manager, Distribution Process Manager, Subdivider, overseas Manufacturer, etc. (one who manufactures or processes agricultural and forestry products to be exported to Japan in an overseas country, or exports them to Japan; the same shall apply hereinafter), overseas Production Process Manager (specified by MAFF Ordinance as a producer or other entity who manages or controls a production process in an overseas country for the agricultural and forestry product to be exported to Japan; the same shall apply hereinafter), overseas Distribution Process Manager (specified by MAFF Ordinance as an exporter or other entity who manages or controls a distribution process in an overseas country for the agricultural and forestry product to be exported to Japan in an overseas country; the same shall apply hereinafter) or overseas Subdivider (one who subdivides consignments of agricultural and forestry products to be exported to Japan in an overseas country (including the one who subdivides the consignments and sells them by himself/herself), the same shall apply hereinafter) of the agricultural and forestry product pertaining to said application (hereinafter referred to as the "Certified Business Operator").
- (a) If the Accreditation Applicant is a corporation, the Certified Business Operator is its parent company (the term "parent company" as specified in paragraph (1) of Article 879 of the Companies Act (Act No. 86 of 2005)).
- (b) The proportion of officers or employees of the Certified Business Operator (including those who have been officers or employees of the Certified Business Operator within past two years) to officers of the Accreditation Applicant is over one-half.
- (c) An officer having the right to represent the Accreditation Applicant is an officer or employee of the Certified Business Operator (or has been an officer or employee of the Certified Business Operator within the past two years)
- (2) The Accreditation shall record the following items in the Accreditation Directory:
- (i) Date of Accreditation and Accreditation No.;
- (ii) Name and address of the Registered Certifying Body;
- (iii) Division of agricultural and forestry product that the Registered Certifying Body is to perform the Certification;
- (iv) Area, and address of the office, in which the Registered Certifying Body is to perform the Certification.
- (3) Upon the Accreditation set forth in paragraph (1), the Minister of Agriculture, Forestry and Fisheries shall publicly notify without delay the matters listed in the preceding paragraph.

(Renewal of the Accreditation)

- Article 17-3 (1) An Accreditation shall expire by lapse of time unless it is renewed within each of the periods of not less than three years specified in Cabinet Order.
- (2) The provisions of the preceding three Articles shall apply mutatis mutandis to the renewal of the Accreditation in the preceding paragraph.
- (3) In the case where an application for renewal of Accreditation is made pursuant to paragraph (1), if the disposition for such application are not completed by the expiration date of the period in the same paragraph (hereinafter referred to as the "Effective Period of Accreditation"), the previous Accreditation shall be effective after the expiration of the Effective Period of Accreditation until said disposition is completed.
- (4) In the case of the preceding paragraph, when the Accreditation is renewed, the Effective Period of Accreditation shall be calculated from the day following the date of expiration of the Effective Period of the previous Accreditation.
- (5) When an application for renewal of Accreditation pursuant to the provisions of paragraph (1) is not made no later than six months prior to the expiration date of the Effective Period of Accreditation or an Accreditation expires pursuant to the provisions of the same paragraph, the Minister of Agriculture, Forestry and Fisheries shall publicly notify the same without delay.

(Succession)

- Article 17-4 (1) In the case where a Registered Certifying Body has assigned all of its business pertaining to said Accreditation or a merger or split of a Registered Certifying Body (limited cases where all of the business related to the relevant Accreditation is being succeeded to) has occurred, the juridical person assigned all of such business, the judicial person surviving the merger, the judicial person founded after the merger, or the juridical person which has succeeded all of its business due to the split shall succeeds to the position of the Registered Certifying Body.
- (2) The judicial person that has succeeded to the position of the Registered Certifying Body pursuant to the provisions of the preceding paragraph shall notify the Minister of Agriculture, Forestry and Fisheries without delay attaching written verification of those facts.

(Performance of the Certification Operations)

- Article 17-5 (1) When a Registered Certifying Body has been requested to undertake a Certification, it shall conduct an examination for the Certification without delay unless it has a justifiable reason.
- (2) A Registered Certifying Body shall undertake Certification, cancellation and

other Certification operations fairly and in the method that complies with the criteria specified by MAFF Ordinance.

- (3) A Registered Certifying Body shall report to the Minister of Agriculture, Forestry and Fisheries the names, addresses and other data required by MAFF Ordinance of the Certified Business Operators pursuant to the provisions of MAFF Ordinance.

(Notification of the Change of Office)

- Article 17-6 (1) In the case where a Registered Certifying Body intends to change the location of its office in which it performs the Certification operations, it shall notify the Minister of Agriculture, Forestry and Fisheries no later than two weeks prior to the date on which it is to change the same.
- (2) Upon the receipt of notification set forth in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries shall publicly notify the same without delay.

(Service Rules)

- Article 17-7 (1) A Registered Certifying Body shall enact its rules for Certification operations (hereinafter referred to as the "Service Rules") and notify the same with the Minister of Agriculture, Forestry and Fisheries prior to the commencement of its Certification operations. The same shall apply when it intends to change its Service Rules.
- (2) The Service Rules shall include the method of undertaking the Certification, the method of calculating charges and fees related to the Certification and other matters as specified in MAFF Ordinance.

(Suspension or Abolition of Operations)

- Article 17-8 (1) In the case where a Registered Certifying Body intends to abolish, or suspend all or part of its Certification operations, it shall notify the fact to the Minister of Agriculture, Forestry and Fisheries no later than six months prior to the date on which it is to suspend or abolish the Certification operations as provided for by MAFF Ordinance.
- (2) Upon the receipt of notification set forth in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries shall publicly notify the same without delay.

(Keeping and Inspecting of Financial Statements, etc.)

- Article 17-9 (1) A Registered Certifying Body shall, within three months after the end of each business year, prepare a list of property or a balance sheet, a profit and loss statement or a settlement of accounts, and a business report (in the case where these documents are prepared as electromagnetic records

(meaning records produced by an electronic device, magnetic device or any other device not recognizable to human sense, which are used for data processing by a computer; the same shall apply hereinafter), or electromagnetic records are prepared instead of preparing the documents, such electromagnetic records shall be included; these documents shall hereinafter be referred to as the "Financial Statements, etc.") and keep them in its office for five years.

(2) The Certified Business Operator and other interested persons may request items listed as follows at any time during the office hours of a Registered Certifying Body. However, for the request of item (ii) or item (iv), one shall pay expenses set by the Registered Certifying Body:

(i) Request for browse or photocopying of the Financial Statements, etc., in the case that they are provided in the form of paper

(ii) Request for the transcript or extract of documents mentioned in the previous item

(iii) When the Financial Statements, etc. are provided electromagnetically, request to browse or photocopy the contents displayed in accordance with MAFF Ordinance

(iv) Request to obtain the electromagnetically recorded content mentioned in the previous item in an electromagnetic form (using an electronic data processing system or technology for information and communication as specified by MAFF Ordinance) or request to obtain said content in paper form

(Conformity Order)

Article 17-10 When the Minister of Agriculture, Forestry and Fisheries recognizes that a Registered Certifying Body has ceased to comply with the standards prescribed in the items under paragraph (1) of Article 17-2, he/she may order the Registered Certifying Body to take necessary measures to conform to said standards.

(Improvement Order)

Article 17-11 When the Minister of Agriculture, Forestry and Fisheries finds that a Registered Certifying Body has violated the provisions of Article 17-5, he/she may order said Registered Certifying Body to carry out the Certification operations or take necessary measures to improve the Certification method or other business methods.

(Cancellation of Accreditation, etc.)

Article 17-12 (1) If a Registered Certifying Body falls under any of the items under Article 17, the Minister of Agriculture, Forestry and Fisheries shall cancel its Accreditation.

- (2) If a Registered Certifying Body falls under any of the following items, the Minister of Agriculture, Forestry and Fisheries may cancel the Accreditation or order the Registered Certifying Body to suspend all or part of its Certification operations for a fixed period of not more than one year.
- (i) When the Registered Certifying Body violates the provisions of Article 17-5, paragraph (1) of Article 17-6, paragraph (1) of Article 17-7, paragraph (1) of Article 17-8, paragraph (1) of Article 17-9 or the Article that follows.
 - (ii) When the Registered Certifying Body refuses requests pursuant to the provisions of the items in paragraph (2) of Article 17-9 without justifiable causes
 - (iii) When the Registered Certifying Body violates an order pursuant to the preceding two Articles
 - (iv) When the Registered Certifying Body was accredited by wrongful means
- (3) In addition to the cases prescribed in the preceding two paragraphs, when the Registered Certifying Body, without justifiable causes, does not commence its Certification operations pertaining to said Accreditation after the passage of one year from the date of Accreditation or suspends such Certification operations continuously for more than one year, the Minister of Agriculture, Forestry and Fisheries may cancel the relevant Accreditation.
- (4) In the case where the Minister of Agriculture, Forestry and Fisheries intends to conduct a hearing pertaining to any of the dispositions pursuant to the provisions of the preceding three paragraphs, he/she shall give notice pursuant to the provisions of paragraph (1) of Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) no later than one week prior to the date of hearing and also publicly notify the date and location of hearing.
- (5) The proceeding at the date of hearing set forth in the preceding paragraph shall be open to the public.
- (6) Upon the dispositions pursuant to the provisions of paragraphs (1) to (3), the Minister of Agriculture, Forestry and Fisheries shall publicly notify the same without delay.

(Bookkeeping)

Article 17-13 A Registered Certifying Body shall prepare books and state in such books the matters concerning the Certification operations specified in MAFF Ordinance, and keep them pursuant to the provisions of MAFF Ordinance.

(Confidentiality Protective Obligation)

Article 17-14 A person who is or used to be an officer or employee of a Registered Certifying Body shall not divulge any secret which has come to his/her knowledge concerning the Certification operations or use the same for his/her own interest.

(Prohibition of Use of the Name of the Japanese Agricultural Standards Registered Certifying Body)

- Article 17-15 (1) Anyone who is not a Registered Certifying Body shall not use the name of the Japanese Agricultural Standards Registered Certifying Body or any other confusing name therewith.
- (2) A Registered Certifying Body shall not use the name of the Japanese Agricultural Standards Registered Certifying Body or any other confusing name therewith for any agricultural and forestry product other than its Accredited agricultural and forestry product.

Section 3 Protection of Grade Label

(Prohibition of Grade Labeling)

- Article 18 (1) No person shall affix a Grade Label to any agricultural and forestry product, its package, container or invoice. However, this shall not apply to the following cases:
- (i) In the case where a Manufacturer, etc. of agricultural and forestry products affixes a Grade Label pursuant to the provisions of paragraph (1) or (5) of Article 14 to the agricultural and forestry product which he/she manufactures, processes, imports or distributes, or its package, container or invoice;
 - (ii) In the case where a Production Process Manager of agricultural and forestry products affixes a Grade Label pursuant to the provisions of paragraph (2) or (5) of Article 14 to the agricultural and forestry product, the production process of which he/she manages or controls, or its package, container or invoice;
 - (iii) In the case where a Distribution Process Manager of agricultural and forestry products affixes a Grade Label pursuant to the provisions of paragraph (3) or (5) of Article 14 to the agricultural and forestry product, the distribution process of which he/she manages or controls, or its package, container or invoice;
 - (iv) In the case where a Subdivider of agricultural and forestry products affixes a Grade Label pursuant to the provisions of paragraph (1) of Article 15 to the subdivided agricultural and forestry product, its package or container;
 - (v) In the case where an importer of the Specified Agricultural and Forestry Products affixes a Grade Label pursuant to the provisions of paragraph (1) of Article 15-2 to the Specified Agricultural and Forestry Product which he/she imports, or its package, container or invoice;
 - (vi) In the case where an overseas Manufacturer, etc. affixes a Grade Label pursuant to the provisions of paragraph (5) of Article 14 as applied mutatis

- mutandis in paragraph (1) of Article 19-3 or paragraph (1) of Article 19-6 to the agricultural and forestry product which he/she manufactures, processes or exports, or its package, container or invoice;
- (vii) In the case where an overseas Production Process Manager affixes a Grade Label pursuant to the provisions of paragraph (5) of Article 14 as applied mutatis mutandis in paragraph (2) of Article 19-3 or paragraph (1) of Article 19-6 to the agricultural and forestry product, the production process of which he/she manages or controls, or its package, container or invoice;
- (viii) In the case where an overseas Distribution Process Manager affixes a Grade Label pursuant to the provisions of paragraph (5) of Article 14 as applied mutatis mutandis in paragraph (3) of Article 19-3 or paragraph (1) of Article 19-6 to the agricultural and forestry product, the distribution process of which he/she manages or controls, or its package, container or invoice;
- (ix) In the case where an overseas Subdivider affixes a Grade Label pursuant to the provisions of Article 19-4 to the subdivided agricultural and forestry product, its package or container.
- (2) No person shall affix any confusing label with a Grade Label to any agricultural and forestry product, its package, container or invoice.

(Restriction on Reuse of Packing Materials, etc.)

Article 19 The packing material or container to which a Grade Label has been affixed shall not be reused as a packing material or container for an agricultural and forestry product before such label is removed or deleted.

(Improvement Order, etc.)

Article 19-2 When the Minister of Agriculture, Forestry and Fisheries finds that the grading carried out by a Manufacturer, etc. of agricultural and forestry products certified pursuant to the provisions of paragraph (1) of Article 14 (hereinafter referred to as the "Certified Manufacturer, etc."), a Production Process Manager of agricultural and forestry products certified pursuant to the provisions of paragraph (2) of the same Article (hereinafter referred to as the "Certified Production Process Manager") or a Distribution Process Manager of agricultural and forestry products certified pursuant to the provisions of paragraph (3) of the same Article (hereinafter referred to as the "Certified Distribution Process Manager") pursuant to the provisions of paragraphs (1) to (3) of the same Article (including the Grade Label affixed by a Certified Manufacturer, etc., Certified Production Process Manager or Certified Distribution Process Manager pursuant to the provisions of paragraphs (1) to (3) or paragraph (5) of the same Article), the Grade Label affixed by a Subdivider of agricultural and forestry products certified pursuant to the provisions of paragraph (1) of Article 15 (hereinafter referred to as the

"Certified Subdivider") pursuant to the provisions of the same paragraph, or the Grade Label affixed by an importer of Specified Agricultural and Forestry Products certified pursuant to the provisions of paragraph (1) of Article 15-2 (hereinafter referred to as the "Certified Importer") pursuant to the provisions of the same paragraph is inappropriate, he/she may order such Certified Manufacturer, etc., Certified Production Process Manager, Certified Distribution Process Manager, Certified Subdivider or Certified Importer to improve the same within a fixed period, or to remove or delete the Grade Label.

Section 4 Grading in Overseas Countries

(Grading by Overseas Manufacturer, etc.)

- Article 19-3 (1) An overseas Manufacturer, etc. may, as provided for by MAFF Ordinance, having obtained a certification from a Registered Certifying Body or Registered Overseas Certifying Body for each factory or place of business in an overseas country and each type of agricultural and forestry product, evaluate whether or not his/her products pertaining to said certification complies with the relevant Japanese Agricultural Standard and affix a Grade Label to the relevant product, its package, container or invoice.
- (2) An overseas Production Process Manager may, as provided for by MAFF Ordinance, having obtained a certification from a Registered Certifying Body or Registered Overseas Certifying Body for each farm or place of business in an overseas country and each type of agricultural and forestry product, evaluate whether or not his/her products pertaining to said certification complies with the relevant Japanese Agricultural Standard and affix a Grade Label (limited to the one pertaining to the standard listed in item (ii) of paragraph (3) of Article 2) to the relevant product, its package, container or invoice.
- (3) An overseas Distribution Process Manager may, as provided for by MAFF Ordinance, having obtained a certification from a Registered Certifying Body or Registered Overseas Certifying Body for each distribution process and type of agricultural and forestry product, evaluate whether or not his/her products pertaining to said certification complies with the relevant Japanese Agricultural Standard and affix a Grade Label (limited to the one pertaining to the standard listed in item (iii) of paragraph (3) of Article 2) to the relevant product, its package, container or invoice.

(Grade labeling by Overseas Subdivider)

- Article 19-4 An overseas Subdivider may, as provided for by MAFF Ordinance, having obtained a certification from a Registered Certifying Body or Registered Overseas Certifying Body for each place of business in an overseas country and each type of agricultural and forestry product, affix the same Grade Label as

has been affixed on the agricultural and forestry product, its package, container or invoice to the relevant product, its package or container after the subdivision of the consignment.

(Prohibition of Grade Labeling)

Article 19-5 An overseas Manufacturer, etc. certified pursuant to paragraph (1) of Article 19-3 (hereinafter referred to as the "Certified Overseas Manufacturer, etc."), overseas Production Process Manager certified pursuant to paragraph (2) of the same Article (hereinafter referred to as the "Certified Overseas Production Process Manager"), overseas Distribution Process Manager certified pursuant to paragraph (3) of the same Article (hereinafter referred to as the "Certified Overseas Distribution Process Manager") or overseas Subdivider certified pursuant to the preceding Article (hereinafter referred to as the "Certified Overseas Subdivider") shall not affix a Grade Label or any other confusing label therewith to any agricultural and forestry product exported to Japan, or its package, container or invoice, except in the cases listed in items (vi) to (ix) of paragraph (1) of Article 18.

(Application, Mutatis Mutandis)

Article 19-6 (1) The provisions of paragraphs (4) to (7) of Article 14 shall apply mutatis mutandis to a Certified Overseas Manufacturer, etc., Certified Overseas Production Process Manager or Certified Overseas Distribution Process Manager. In this case, the term "the preceding three paragraphs" which appears in paragraph (4) of the same Article and "paragraphs (1) to (3)" which appears in paragraphs (5) to (7) of the same Article shall be replaced with "Article 19-3."

(2) The provisions of paragraph (8) of Article 14 shall apply mutatis mutandis to the certification of Article 19-3 or Article 19-4.

(3) The provisions of Article 19 and Article 19-2 shall apply mutatis mutandis to a Certified Overseas Manufacturer, etc., Certified Overseas Production Process Manager, Certified Overseas Distribution Process Manager or Certified Overseas Subdivider. In this case, the term "an agricultural and forestry product" which appears in Article 19 shall be replaced with "an agricultural and forestry product exported to Japan", the term "carried out by a Manufacturer, etc. of agricultural and forestry products certified pursuant to the provisions of paragraph (1) of Article 14 (hereinafter referred to as the "Certified Manufacturer, etc."), a Production Process Manager of agricultural and forestry products certified pursuant to the provisions of paragraph (2) of the same Article (hereinafter referred to as the "Certified Production Process Manager") or a Distribution Process Manager of agricultural and forestry products certified pursuant to the provisions of paragraph (3) of the same

Article (hereinafter referred to as the "Certified Distribution Process Manager") pursuant to the provisions of paragraphs (1) to (3) of the same Article" in Article 19-2 with "carried out by a Certified Overseas Manufacturer, etc., Certified Overseas Production Process Manager or Certified Overseas Distribution Process Manager pursuant to the provisions of Article 19-3", the term "affixed by a Certified Manufacturer, etc., Certified Production Process Manager or Certified Distribution Process Manager pursuant to the provisions of paragraphs (1) to (3) or paragraph (5) of the same Article" in the same Article with "affixed by a Certified Overseas Manufacturer, etc., Certified Overseas Production Process Manager or Certified Overseas Distribution Process Manager pursuant to the provisions of paragraph (5) of Article 14 as applied mutatis mutandis in Article 19-2 or paragraph (1) of Article 19-6", the term "affixed by a Subdivider of agricultural and forestry products certified pursuant to the provisions of paragraph (1) of Article 15 (hereinafter referred to as the "Certified Subdivider)")" in the same Article with "affixed by a Certified Overseas Subdivider pursuant to the provisions of Article 19-4", and "order" in the same Article with "demand."

(Public Announcement of Overseas Manufacturer, etc.)

Article 19-7 Upon receipt of a report pursuant to the provisions of paragraph (3) of Article 17-5 (including the cases to apply mutatis mutandis in Article 19-10), the Minister of Agriculture, Forestry and Fisheries shall publicly notify without delay the matters specified by MAFF Ordinance such as name or address of the Overseas Manufacturer, etc., Overseas Production Process Manager, Overseas Distribution Process Manager or Overseas Subdivider pertaining to said report.

Section 5 Registered Overseas Certifying Body

(Accreditation of Registered Overseas Certifying Body)

Article 19-8 A person who seeks to be accredited as a Registered Overseas Certifying Body (hereinafter in this Section referred to simply as the "Accreditation") (limited to the one who is to perform the certification set forth in Article 19-3 or Article 19-4 at offices located in an overseas country (hereinafter in this Section referred to simply as the "Certification")) shall make an application for Accreditation to the Minister of Agriculture, Forestry and Fisheries in accordance with the procedure as provided for by MAFF Ordinance, for each division as specified in MAFF Ordinance, by paying an application fee in the amount specified in Cabinet Order which shall take into consideration of the actual expenses.

(Cancellation of Accreditation, etc.)

Article 19-9 (1) If a Registered Overseas Certifying Body falls under any of the items under Article 17 as applied mutatis mutandis in the following Article, the Minister of Agriculture, Forestry and Fisheries shall cancel its Accreditation.

(2) If a Registered Overseas Certifying Body falls under any of the following items, the Minister of Agriculture, Forestry and Fisheries may cancel the Accreditation or demand that the Registered Overseas Certifying Body suspend all or part of its Certification operations for a fixed period of not more than one year:

(i) When the Registered Overseas Certifying Body violates the provisions of Article 17-5, paragraph (1) of Article 17-6, paragraph (1) of Article 17-7, paragraph (1) of Article 17-8, paragraph (1) of Article 17-9 or Article 17-13 as applied mutatis mutandis in the following Article;

(ii) When the Registered Overseas Certifying Body refuses requests pursuant to the provisions of the items in paragraph (2) of Article 17-9, as applied mutatis mutandis in the following Article, without justifiable causes;

(iii) When the Registered Overseas Certifying Body resists a demand pursuant to the provisions of Article 17-10 or Article 17-11 as applied mutatis mutandis in the following Article;

(iv) When the Registered Overseas Certifying Body was accredited by wrongful means;

(v) When the Registered Overseas Certifying Body fails to report or makes a false report in response to a request for a necessary report on its Certification operations by the Minister of Agriculture, Forestry and Fisheries which is within the limits necessary to enforce this Act;

(vi) When the Registered Overseas Certifying Body refuses, interferes with or evades an inspection within the limits necessary to enforce this Act concerning the Certification ordered by the Minister of Agriculture, Forestry and Fisheries of the conditions of the Registered Overseas Certifying Body's operations, its books, documents or other materials, carried out by MAFF's officials or the Center, at the Registered Overseas Certifying Body's office, place of business or warehouse; or

(vii) When the Registered Overseas Certifying Body fails to bear the cost pursuant to paragraph (4).

(3) In addition to the cases prescribed in the preceding two paragraphs, when the Registered Overseas Certifying Body falls under any of the following items, the Minister of Agriculture, Forestry and Fisheries may cancel the relevant Accreditation.

(i) When the Registered Overseas Certifying Body, without justifiable causes, does not commence its Certification operations pertaining to said

Accreditation after the passage of one year from the date of Accreditation or suspends such Certification operations continuously for more than one year;
or

- (ii) When the Registered Overseas Certifying Body resists a demand in the case where the Minister of Agriculture, Forestry and Fisheries demanded pursuant to the provisions of the preceding paragraph that the Registered Overseas Certifying Body suspend all or part of its Certification operations for a fixed period of not more than one year.
- (4) The cost required for the inspection as specified in item (vi) of paragraph (2) of this Article (limited to those specified in Cabinet Order) shall be borne by the Registered Overseas Certifying Body subject to said inspection.

(Application, Mutatis Mutandis)

Article 19-10 The provisions of paragraph (2) of Article 16, Article 17 to Article 17-11, paragraphs (4) to (6) of Article 17-12 and Article 17-13 shall apply mutatis mutandis to a Registered Overseas Certifying Body. In this case, the term "the preceding paragraph" which appears in paragraph (2) of Article 16 shall be replaced with "Article 19-8", the term "each of the items of paragraph (1) of Article 17-2" in the same paragraph with "each of the items of paragraph (1) of Article 17-2 as applied mutatis mutandis in Article 19-10", the term "paragraph (1) of Article 16" which appears in paragraph (1) of Article 17-2 shall be replaced with "Article 19-8", the term "each item of paragraph (1) of Article 17-2" which appears in Article 17-10 shall be replaced with "each item of paragraph (1) of Article 17-2 as applied mutatis mutandis in Article 19-10", the term "order" in the same Article with "demand", the term "Article 17-5" which appears in Article 17-11 shall be replaced with "Article 17-5 as applied mutatis mutandis in Article 19-10", the term "order" in the same Article with "demand", the term "the preceding three paragraphs" which appears in paragraph (4) of Article 17-12 shall be replaced with "paragraphs (1) to (3) of Article 19-9", the term "one week prior to the date" in the same paragraph with "two weeks prior to the date" and the term "paragraphs (1) to (3)" which appears in paragraph (6) of the same Article shall be replaced with "paragraphs (1) to (3) of Article 19-9".

Section 6 Imports of Grade Labeled Agricultural and Forestry Products, etc.

(Imports of Grade Labeled Agricultural and Forestry Products)

Article 19-11 An importer of agricultural and forestry products shall not transfer, consign for transfer or display for transfer any agricultural and forestry product on which a Grade Label or a confusingly similar label is affixed

(including said agricultural and forestry product in the case where said label is affixed to its package, container or invoice; hereinafter the same shall apply in this Article) pertaining to such importation. However, this shall not apply in the following cases:

- (i) In the case where such label is affixed by a Certified Overseas Manufacturer, etc. to the agricultural and forestry product pertaining to said Certification;
- (ii) In the case where such label is affixed by a Certified Overseas Production Process Manager to the agricultural and forestry product pertaining to said Certification;
- (iii) In the case where such label is affixed by a Certified Overseas Distribution Process Manager to the agricultural and forestry product pertaining to said Certification;
- (iv) In the case where such label is affixed by a Certified Overseas Subdivider to the agricultural and forestry product pertaining to said Certification.

(Removal of Grade Label, etc.)

Article 19-12 When a cause, specified by MAFF Ordinance as that an agricultural and forestry product (limited to the agricultural and forestry product for which the Japanese Agricultural Standard pertaining to the standards listed in item (ii) or (iii) of paragraph (3) of Article 2 is enacted and which is specified by MAFF Ordinance) on which a Grade Label is affixed (including said agricultural and forestry product in the case where said label is affixed to its package, container or invoice) is certainly non-compliant with the relevant Japanese Agricultural Standard, is found, the producer or distributor who possesses said product shall remove or delete said label without delay.

Chapter V Proper Quality Labeling, etc.

(Labeling Standards to be Observed by Manufacturer, etc.)

Article 19-13 (1) For the purpose of aiming at proper quality labeling of foods and drinks and thereby helping consumers choose them, the Prime Minister shall enact a standard to be observed by Manufacturer, etc. concerning necessary matters among those listed in the following, for each division as prescribed in Cabinet Office Ordinance, as regards the quality labeling of foods and drinks out of agricultural and forestry products (except those which have distinctive features in the method of production or distribution and thereby their value are found to be increased):

- (i) Name, materials or ingredients, method of preservation, place of origin and other matters to be indicated; and
- (ii) Method of labeling and other matters to be complied with by Manufacturer, etc. in indicating the matters listed in the preceding item.

- (2) In addition to what is provided for in the standard set forth in the preceding paragraph, when the Prime Minister deems it especially necessary for proper quality labeling of foods and drinks, he/she may enact a standard to be complied with by the Manufacturer, etc. relating to matters listed in the items of the same paragraph for each division concerning the quality labeling of foods and drinks prescribed in the same paragraph.
- (3) With regard to agricultural and forestry products other than foods and drinks (except those which have distinctive features in the method of production or distribution and thereby their value are found to be increased) whose quality is found to be particularly distinguished by consumers upon the purchase of them and are designated by Cabinet Order as products whose quality labeling should be appropriate to protect economic interests of consumers, the Prime Minister shall, promptly after the designation, enact a standard for quality labeling, with which the Manufacturer, etc. should comply.
- (4) The Prime Minister shall publicly notify the enactment of a standard for quality labeling pursuant to the provisions of the preceding three paragraphs without delay.
- (5) When the Prime Minister intends to enact a standard for quality labeling pursuant to the provisions of paragraphs (1) to (3), he/she shall consult the Minister of Agriculture, Forestry and Fisheries and request the opinion of the Consumer Commission in advance.
- (6) When the Minister of Agriculture, Forestry and Fisheries finds that the enactment of a standard for quality labeling pursuant to the provisions of paragraphs (1) to (3) improves the production or distribution of the agricultural and forestry product to which it pertains, he/she may request that the Prime Minister establish said standard by providing him/her with a draft thereof.
- (7) The provisions of paragraph (2) of Article 7 and paragraphs (1), (4) and (5) of Article 13 shall apply mutatis mutandis to the cases set forth in paragraphs (1) to (3) and the provisions of paragraphs (2) to (5) of the same Article shall apply mutatis mutandis to the standard for quality labeling provided for pursuant to the provisions of paragraphs (1) to (3). In this case, the term "the Minister of Agriculture, Forestry and Fisheries" in the provisions of paragraphs (1) to (4) of the same Article shall be replaced with "the Prime Minister", the term "submit the matter to the Council to have the amendment appropriately deliberated thereof" which appears in the same paragraph shall be replaced with "so amend," and the term "MAFF Ordinance" which appears in paragraph (5) of the same Article shall be replaced with "Cabinet Office Ordinance."

(Compliance with Standards for Quality Labeling)

Article 19-13-2 Manufacturer, etc. shall label the quality of agricultural and forestry products in accordance with the standard for quality labeling provided

for pursuant to the provisions of paragraphs (1) to (3) of the preceding Article.

(Instruction as to Labeling, etc.)

Article 19-14 (1) When a Manufacturer, etc. does not indicate the matters listed in item (i) of paragraph (1) of Article 19-13, which are provided for pursuant to the provisions of paragraph (1) or (2) of the same Article (hereinafter referred to as the "Labeling Matters") or does not comply with the matters listed in item (ii) of paragraph (1) of the same Article, which are provided for pursuant to the provisions of paragraph (1) or (2) of the same Article (hereinafter referred to as the "Compliance Matters"), the Prime Minister or the Minister of Agriculture, Forestry and Fisheries (the Prime Minister with regard to the labeling method specified in Cabinet Office Ordinance and MAFF Ordinance; the same shall apply in the next paragraph) may instruct such Manufacturer, etc. to indicate the Labeling Matters or comply with the Compliance Matters.

(2) When a Manufacturer, etc. does not comply with the standard for quality labeling provided for pursuant to the provisions of paragraph (3) of Article 19-13, the Prime Minister or the Minister of Agriculture, Forestry and Fisheries may instruct such Manufacturer, etc. to comply with such standard.

(3) When the Minister listed in each of the following items intends to unilaterally instruct as specified in the preceding two paragraphs, he/she shall notify its contents to the Minister listed in the relative item in advance.

(i) Prime Minister; Minister of Agriculture, Forestry and Fisheries

(ii) Minister of Agriculture, Forestry and Fisheries; Prime Minister

(4) When a Manufacturer, etc. who was instructed as provided for by the provisions of paragraph (1) or (2) does not take the measures pertaining to such instruction without justifiable causes, the Prime Minister may order such Manufacturer, etc. to take the measures pertaining to such instruction.

(5) When a Manufacturer, etc. who was instructed as provided for by the provisions of paragraph (1) or (2) does not take the measures pertaining to such instruction without justifiable causes, the Minister of Agriculture, Forestry and Fisheries may request the Prime Minister to order such Manufacturer, etc. to take the measures pertaining to such instruction pursuant to the provisions of the preceding paragraph.

Article 19-14-2 When an instruction or an order is made pursuant to the provisions of the preceding Article, such instruction or order shall be publicly announced.

(Indication of Name pertaining to Specified Agricultural and Forestry Products)

Article 19-15 (1) With regard to any agricultural and forestry products for which

the Japanese Agricultural Standards were enacted pertaining to the standard listed in item (ii) of paragraph (3) of Article 2, and are designated by Cabinet Order as the product whose name is especially necessary to be properly labeled since the name provided for in such Japanese Agricultural Standards is also being used for other agricultural and forestry products produced by a method other than that provided for by such Japanese Agricultural Standards and when left as it is, this would be extremely detrimental to the consumers' choice (hereinafter referred to as the "Specified Agricultural and Forestry Products"), no person shall indicate the name provided for by such Japanese Agricultural Standards or a confusingly similar name on any such Specified Agriculture and Forestry Product or its package, container or invoice when the Grade Label under such Japanese Agricultural Standards was not affixed to the same.

- (2) No person shall affix the label of the name provided for by the Japanese Agricultural Standards pertaining to the Specified Agricultural and Forestry Products or a confusingly similar label to any agricultural and forestry products other than the Specified Agricultural and Forestry Products.
- (3) No importer of agricultural and forestry products shall sell, consign for sale or display for sale his/her imported agricultural and forestry product to which the Grade Label under the Japanese Agricultural Standards pertaining to the Specified Agricultural and Forestry Products was not affixed to such agricultural and forestry product, its package, container or invoice and the indication of name under such Japanese Agricultural Standards or a confusing similar name was labeled (including such agricultural and forestry product when such label was affixed to its package, container or invoice).

(Order to Remove Indication of Name, etc.)

Article 19-16 The Minister of Agriculture, Forestry and Fisheries may order a person who violated the provisions of the preceding Article to remove or delete the indication of name pertaining to the Specified Agricultural and Forestry Product provided by the Japanese Agricultural Standard or a confusingly similar indication, or prohibit him/her from selling, consigning for sale or displaying for sale of the Specified Agricultural and Forestry Products.

Chapter VI Miscellaneous Provisions

(Reports and On-Site Inspections)

Article 20 (1) The Minister of Agriculture, Forestry and Fisheries may, within the limit necessary to enforce this Act, have the Registered Certifying Body submit necessary reports on its Certification operations, or have his/her officials enter the Registered Certifying Body's office, place of business or warehouse and inspect the conditions of the operations or books, documents

and other materials concerning the Certification.

- (2) The Minister of Agriculture, Forestry and Fisheries may, within the limit necessary to enforce this Act, have the Certified Manufacturer, etc., Certified Production Process Manager, Certified Distribution Process Manager, Certified Subdivider, Certified Importer or a producer, distributor or importer of Specified Agricultural and Forestry Products submit necessary reports on its grading (including the Grade Label; hereinafter the same shall apply in this paragraph and paragraph (2) of the next Article) or the indication of name pertaining to the Specified Agricultural and Forestry Products, or have his/her officials enter its factory, field, shop, office, place of business, warehouse or other locations and inspect the conditions of the grading or the indication of name pertaining to the Specified Agricultural and Forestry Products, or the agricultural and forestry products, their ingredients, its books, documents and other materials.
- (3) The Prime Minister or the Minister of Agriculture, Forestry and Fisheries (the Prime Minister for matters pertaining to the method of labeling pursuant to the provisions of paragraph (1) of Article 19-14 of Cabinet Office Ordinance and MAFF Ordinance) may, within the limit necessary to enforce this Act, have the Manufacturer, etc. of the agricultural and forestry products which are subject to the standards for quality labeling pursuant to the provisions of paragraphs (1) to (3) of Article 19-13 submit necessary reports on the quality labeling, or have his/her officials enter the Manufacturer, etc.'s factory, field, shop, office, place of business, warehouse or other locations and inspect the quality labeling conditions, the agricultural and forestry products and their ingredients, its books, documents and other materials.
- (4) Officials who conduct on-site inspections pursuant to the provisions of the preceding three paragraphs shall possess cards identifying them as inspectors and present the same to the people concerned.
- (5) The authority to conduct on-site inspections pursuant to the provisions of paragraphs (1) to (3) shall not be construed as permission to pursue criminal investigations.
- (6) When the Minister listed in each of the following items unilaterally exercises authority pursuant to the provisions of paragraph (3), he/she shall promptly notify the Minister listed in the respective item of the result.
 - (i) Prime Minister; Minister of Agriculture, Forestry and Fisheries
 - (ii) Minister of Agriculture, Forestry and Fisheries; Prime Minister

(On-Site Inspection by the Center)

Article 20-2 (1) The Minister of Agriculture, Forestry and Fisheries may, when deeming it necessary in the case prescribed in paragraph (1) of the preceding Article, have the Center enter the Registered Certifying Body's office, place of

business or warehouse and inspect the conditions of its operations or books, documents and other materials concerning the Certification.

- (2) The Minister of Agriculture, Forestry and Fisheries may, when deeming it necessary in the case prescribed in paragraph (2) of the preceding Article, have the Center enter the factory, field, shop, office, place of business, warehouse or other locations of those provided for in the same paragraph and inspect the conditions of the grading or the indication of name pertaining to the Specified Agricultural and Forestry Products, or the agricultural and forestry products, their ingredients, its books, documents and other materials.
- (3) The Minister of Agriculture, Forestry and Fisheries may, when deeming it necessary in the case where it is possible to have his/her officials conduct an on-site inspection pursuant to the provisions of paragraph (3) of the preceding Article, have the Center enter the factory, field, shop, office, place of business, warehouse or other locations of those provided for in the same paragraph and inspect the conditions of the quality labeling or the agricultural and forestry products, their ingredients, its books, documents and other materials.
- (4) In the case where the Minister of Agriculture, Forestry and Fisheries is to have the Center conduct an on-site inspection pursuant to the provisions of the preceding three paragraphs, he/she shall provide the Center with the date, location and other necessary information of the on-site inspection and give it an instruction that the inspection should be conducted.
- (5) When the Center conducted an on-site inspection specified in paragraphs (1) to (3) in accordance with the instruction mentioned in the preceding paragraph, it shall report the result thereof to the Minister of Agriculture, Forestry and Fisheries as provided for by MAFF Ordinance.
- (6) When the Minister of Agriculture, Forestry and Fisheries received the report pursuant to the provisions of the preceding paragraph on the on-site inspection pursuant to the provisions of paragraph (3), he/she shall promptly notify the Prime Minister of the contents thereof.
- (7) The provisions of paragraphs (4) and (5) of the preceding Article shall apply mutatis mutandis to the on-site inspection pursuant to the provisions of paragraphs (1) to (3).

(Order to the Center)

Article 20-3 When the Minister of Agriculture, Forestry and Fisheries deems it necessary to ensure the appropriate conduct of the business of the on-site inspection pursuant to the provisions of paragraphs (1) to (3) of the preceding Article, he/she may make a necessary order to the Center with regard to such business.

(Report to the Minister of Agriculture, Forestry and Fisheries)

Article 21 (1) In the case listed in the following, any person may report the Minister of Agriculture, Forestry and Fisheries such case and request to take appropriate measures, in accordance with the procedures as prescribed in MAFF Ordinance:

- (i) When such person finds that the agricultural and forestry product to which the Grade Label was affixed is not conforming to the Japanese Agricultural Standards; or
- (ii) When such person finds that interest of consumers is harmed owing to inappropriate labeling of the name pertaining to the Specified Agricultural and Forestry Product.

(2) Upon the acceptance of the report prescribed in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries shall conduct necessary investigation and when he/she finds that the contents of such report are true, take measures prescribed in Article 19-2 (including the cases where the same applies mutatis mutandis in paragraph (3) of Article 19-6), Articles 19-15 and Article 19-16 and other appropriate measures.

(Report to the Prime Minister or the Minister of Agriculture, Forestry and Fisheries)

Article 21-2 (1) When any person finds that interest of consumers is harmed owing to inappropriate quality labeling of agricultural and forestry products, he/she may report the same and request the Prime Minister or the Minister of Agriculture, Forestry and Fisheries to take appropriate measures (the Prime Minister in the case where inappropriate quality labeling of such agricultural and forestry product pertaining only to the method of labeling pursuant to the provisions of paragraph (1) of Article 19-14 of Cabinet Office Ordinance and MAFF Ordinance, the same shall apply in the next paragraph), in accordance with the procedures as prescribed in Cabinet Office Ordinance and MAFF Ordinance.

(2) Upon the acceptance of the report prescribed in the preceding paragraph, the Prime Minister or the Minister of Agriculture, Forestry and Fisheries shall conduct necessary investigation and when he/she finds that the contents of such report are true, take measures prescribed in Article 19-13 and Articles 19-14 and other appropriate measures.

(Provision of Materials, etc. to the Prime Minister)

Article 21-3 When the Prime Minister deems it necessary for proper quality labeling of agricultural and forestry products, he/she may request the Minister of Agriculture, Forestry and Fisheries to provide materials, explanation and other necessary cooperation.

(Application of the Food Sanitation Act, etc.)

Article 22 The provisions of this Act shall not be construed as excluding the application of the Food Sanitation Act (Act No. 233 of 1947) or the Act against Unjustifiable Premiums and Misleading Representations (Act No. 134 of 1962).

(Delegation of Authority, etc.)

Article 23 (1) The Prime Minister shall delegate the authority pursuant to the provisions of this Act (except those specified in Cabinet Order) to the Minister of Consumer Affairs.

(2) The part of affairs vested in the authority of the Minister of Agriculture, Forestry and Fisheries provided for in this Act and the same delegated to the Minister of Consumer Affairs pursuant to the provisions of the preceding paragraph may be delegated by a prefectural governor as prescribed by the stipulations of Cabinet Order.

(3) The authority of the Minister of Agriculture, Forestry and Fisheries provided for in this Act may be delegated in part by a chief of local administrative offices as prescribed by the stipulations of MAFF Ordinance.

Chapter VII Penal Provisions

Article 23-2 Any person who sold a food or drink with false labeling of the place of origin (including the place of origin of materials and ingredients) which is obliged to be indicated by the standard for quality labeling pursuant to the provisions of paragraph (1) or (2) of Article 19-13 shall be punished with a penal servitude not exceeding two years or a fine not exceeding 2,000,000 yen.

Article 24 Any person who falls under any of the following items shall be punished with a penal servitude not exceeding one year or a fine not exceeding 1,000,000 yen:

- (i) A person who violates the provisions of Article 12;
- (ii) A person who violates the provisions of paragraph (6) or (7) of Article 14;
- (iii) A person who violates the provisions of Article 18;
- (iv) A person who violates the provisions of Article 19;
- (v) A Certified Overseas Manufacturer, etc., Certified Overseas Production Process Manager or Certified Overseas Distribution Process Manager who violates the provisions of paragraph (6) or (7) of Article 14 as applied *mutatis mutandis* in paragraph (1) of Article 19-6 in Japan;
- (vi) A person who violates the provisions of Article 19-11;
- (vii) A person who violates the provisions of Article 19-12; or
- (viii) A person who violates an order pursuant to the provisions of paragraph (4) of Article 19-14.

Article 25 In a case where an order pursuant to the provisions of paragraph (2) of Article 17-12 is violated, the representative, agent, worker or other employees of the Registered Certifying Body which has committed said violation shall be punished with a penal servitude not exceeding one year or a fine not exceeding 1,000,000 yen.

Article 26 Any person who divulges any secret which came to his/her knowledge concerning the duty or used the same for his/her own benefit, contravening the provisions of Article 17-14, shall be punished with a penal servitude not exceeding one year or a fine not exceeding 500,000 yen.

Article 27 Any person who falls under any of the following items shall be punished with a fine not exceeding 500,000 yen:

- (i) A person who violates the provisions of paragraph (1) of Article 17-15;
- (ii) A person who violates the order to remove or delete the Grade Label pursuant to the provisions of Article 19-2;
- (iii) A person who violates the disposition pursuant to the provisions of Article 19-16; or
- (iv) A person who fails to report or makes a false report pursuant to the provisions of paragraph (2) or (3) of Article 20, or refuses, interferes with or evades such inspection pursuant to the provisions of paragraph (2) or (3) of the same Article or paragraph (2) or (3) of Article 20-2.

Article 28 In the case of any violation listed in the following items, the representative, agent, worker or other employees of the Registered Certifying Body which has committed said violation shall be punished with a fine not exceeding 500,000 yen.

- (i) When the Registered Certifying Body fails to report or makes a false report pursuant to the provisions of paragraph (3) of Article 17-5;
- (ii) When the Registered Certifying Body fails to notify or makes a false notification pursuant to the provisions of paragraph (1) of Article 17-8;
- (iii) When the Registered Certifying Body fails to make entries in the books, makes false entries or fails to preserve the books pursuant to the provisions of Article 17-13;
- (iv) When the Registered Certifying Body violates the provisions of paragraph (2) of Article 17-15; or
- (v) When the Registered Certifying Body fails to report or makes a false report pursuant to the provisions of paragraph (1) of Article 20, or refuses, interferes with or evades such inspection pursuant to the provisions of said paragraph or paragraph (1) of Article 20-2.

Article 29 (1) When the representative or custodian of a juridical person (including an association or foundation without juridical personality which has a rule for a representative or custodian; hereinafter the same shall apply in this paragraph) or the agent, worker or other employees of a juridical person or an individual, with regard to the business of said juridical person or individual, has committed a violation of the provisions listed in the following items, not only the offender shall be punished, but also said juridical person shall be punished with a fine pursuant to the provisions listed in the following items and said individual shall be punished with a fine in accordance with said Articles.

(i) Provisions of Article 23-2 or Article 24 (limited to those pertaining to item (viii)); A fine not exceeding 100,000,000 yen;

(ii) Provisions of Article 24 (except those pertaining to item (viii)), Article 25 or the preceding two Articles; A fine pursuant to the respective Articles.

(2) In the case where the provisions of the preceding paragraph is applied to an association or foundation without juridical personality, its representative or custodian shall represent such association or foundation in a procedural act, and the provisions of the Act concerning criminal procedure shall apply mutatis mutandis in cases where a juridical person is accused or suspected.

Article 30 In the case where the order prescribed in Article 20-3 was violated, the officer of the Center, who has committed said violation, shall be punished with a non-penal fine not exceeding 200,000 yen.

Article 31 Any person who falls under any of the following items shall be punished with a non-penal fine not exceeding 200,000 yen.

(i) A person who fails to submit a notification or submits a false notification pursuant to the provisions of paragraph (2) of Article 17-4;

(ii) A person who fails to prepare Financial Statements, etc., fails to record necessary items or makes mendacious records in Financial Statements, etc. contravening the provisions of paragraph (1) of Article 17-9 or a person who refuses the request prescribed in paragraph (2) of the same Article without a justifiable cause.

Supplementary Provisions [Extract]

(1) This Act shall come into force on the day on which 30 days have elapsed from the date of promulgation.

(3) The Act on Inspection of Specified Agricultural and Forestry Products (Act No. 210 of 1948) shall be abolished.