

Industrial Standardization Act

(Act No. 185 of June 1, 1949)

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Chapter I General Provisions

(Purpose of the Act)

Article 1 The purpose of this Act is to promote Industrial Standardization by enacting and disseminating appropriate and rational Industrial Standards and thereby improve the quality of mineral or industrial products, increase productivity and otherwise rationalize production, simplify and make transactions fair, and rationalize the use or consumption of mineral or industrial products and also contribute to the enhancement of public welfare.

(Definitions)

Article 2 For the purpose of this Act, the term "Industrial Standardization" means to integrate or simplify, on a nationwide scale, the matters listed in the following items, and the term "Industrial Standards" means the standards for the Industrial Standardization:

- (i) Types, models, figures, dimensions, structures, accoutrements, quality, grades, components, performance, durability or safeness of mineral or industrial products (excluding agricultural and forestry products as defined in the Act Concerning Standardization and Proper Labeling of Medicinal Supplies, Agrochemicals, Chemical Fertilizers, Silk Yarn, and Agricultural and Forestry Products (Act No. 175 of 1950); the same shall apply

hereinafter)

- (ii) Methods for producing, designing, drawing, using mineral or industrial products or basic units, or methods for performing or the safety conditions in connection with the production of mineral or industrial products
- (iii) Types, models, figures, dimensions, structure, performance or grades of packages for mineral or industrial products or methods for packaging mineral or industrial products
- (iv) methods for testing, analyzing, appraising, inspecting, assaying or measuring with regard to mineral or industrial products
- (v) Terms, abbreviations, symbols, signs, standard figures or units related to mineral or industrial technologies
- (vi) methods for designing or constructing or safety conditions of architectures and other structures

Chapter II Japanese Industrial Standards Committee

Article 3 (1) The Japanese Industrial Standards Committee (hereinafter referred to as the "Committee") shall be enacted under the Ministry of Economy, Trade and Industry.

(2) The Committee may investigate and deliberate on the matters that come under its authority pursuant to this Act, and in connection with the promotion of Industrial Standardization, may report in response to consultations from relevant ministers or make proposals to relevant ministers.

Article 4 (1) The Committee shall be organized with up to 30 committee members.

(2) The committee members shall be appointed by the Minister of Economy, Trade and Industry selected from among persons having an academic background in accordance with the recommendation by relevant ministers.

(3) The term of a committee member's office shall be two (2) years. However, this shall not preclude a committee member from being dismissed within his/her office period for special cause.

Article 5 (1) The Committee shall be headed by a chairperson who shall be elected by mutual vote of the committee members.

(2) The chairperson shall preside over the affairs of the Committee.

Article 6 (1) When necessary, ad-hoc committee members may be appointed to investigate and deliberate special matters.

(2) The provisions of Paragraph 2 of Article 4 shall apply mutatis mutandis to the ad-hoc committee members.

(3) The ad-hoc committee members shall resign upon the completion of the investigation and deliberation of said special matters.

Article 7 (1) Expert advisors may be appointed to the Committee.

(2) Upon receiving instructions from the chairperson, the expert advisor shall investigate technical matters.

(3) Expert advisors shall be appointed by the Minister of Economy, Trade and Industry in accordance with a proposal of the chairperson.

(4) Expert advisors shall resign upon the completion of the investigation of said technical matters.

Article 8 The committee members, ad-hoc committee members, and expert advisors shall receive allowances and travel expenses within the scope of the amount specified in the budget.

Article 9 Deleted

Article 10 In addition to the provisions in Articles 3 through Article 8 and the National Public Service Act (Act No. 120 of 1947), matters necessary with regard to the Committee shall be provided for by the Ordinance of the Ministry of Economy, Trade and Industry.

Chapter III Enactment of the Japanese Industrial Standards

(Enactment of Industrial Standards)

Article 11 When the competent minister intends to enact an Industrial Standard, he/she shall, in advance, go through the Committee resolution process.

Article 12 (1) An interested person may, in accordance with the provisions of an Ordinance of the competent ministry, propose to the competent minister an Industrial Standard should be enacted, accompanied by an original bill therefore.

(2) In the case where the competent minister receives such a proposal pursuant to the provisions of the preceding paragraph, and finds that the Industrial Standard set forth in such proposal should be enacted, the competent minister shall submit the draft of such Industrial Standard to the Committee for deliberation, but if he/she determines that enactment of the proposed Industrial Standard is not necessary, then he/she shall notify the proposing party of such determination, together with the reason therefore.

(3) In case the competent minister intends to give a notification as specified in the preceding paragraph, he/she shall gather the opinion of the Committee in

advance.

Article 13 (1) The Committee shall deliberate any proposed Industrial Standard in accordance with the fair procedures as prescribed in an Ordinance of the competent ministry and report the results of the deliberation to the competent minister.

(2) If the competent minister deems that the proposed Industrial Standard that the Committee has reported should be enacted reflects the intents of all substantially interested persons and does not unfairly discriminate in its application against any persons being under similar conditions and is appropriate, the competent minister shall enact the same as an Industrial Standard.

(Confirmation, Amendment and Abolishment of an Industrial Standard)

Article 14 The provisions of the preceding three articles shall apply mutatis mutandis to the confirmation, amendment or abolishment of an Industrial Standard.

Article 15 By no later than the day which is five (5) years from the date of the enactment, confirmation, or amendment of an Industrial Standard that was enacted, confirmed or amended pursuant to the provisions of Article 11 (or the provisions of Article 11 as applied mutatis mutandis in the preceding article), the competent minister shall have such Industrial Standard deliberated by the Committee 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 16 Upon the enactment, confirmation, amendment or abolishment of an Industrial Standard, the competent minister shall publicly announce the same.

(Japanese Industrial Standards)

Article 17 (1) The Industrial Standards enacted pursuant to the provisions of Article 11 are referred to as the Japanese Industrial Standards.

(2) No person shall refer to anything that is not an Industrial Standard enacted pursuant to the provisions of Article 11 as a Japanese Industrial Standard.

(Public Hearings)

Article 18 (1) The competent minister may hold a public hearing to hear the opinions of interested persons whenever he/she deems it necessary for the Industrial Standardization.

- (2) The Committee or any persons having a substantial interest in an Industrial Standard may request the competent minister to hold a public hearing concerning whether or not such Industrial Standard reflects the intent of all persons having a substantial interest and does not unfairly discriminate in its application against any parties being under the similar conditions.
- (3) Upon receipt of a request as specified in the preceding paragraph, the competent minister shall hold such public hearing.
- (4) The competent minister shall investigate facts made clear at such public hearings and if he/she deems it necessary to amend the relevant Industrial Standard, he/she shall submit the matter to the Committee to have the amendment appropriately deliberated thereof.
- (5) In addition to the matters specified in the preceding four paragraphs, matters required in respect to public hearings shall be provided for in an Ordinance of the competent ministry.

**Chapter IV Certification of Compliance of Mineral or Industrial Products,
etc. with the Japanese Industrial Standards**
**Section 1 Labeling of Compliance with the Japanese Industrial
Standards**

(Labeling of Compliance with the Japanese Industrial Standards of Mineral or Industrial Products)

- Article 19 (1) A manufacturer of a mineral or industrial product may, having obtained the certification of a person accredited by the competent minister, affix to the mineral or industrial product manufactured pertaining to said certification or its package, container or invoice, a special label in accordance with the method specified in an Ordinance of the competent minister indicating said product's conformity with the Japanese Industrial Standards.
- (2) An importer or distributor of mineral or industrial product may, having obtained the certification of a person accredited by the competent minister, affix to the mineral or industrial product imported or sold pertaining to said certification or its package, container or invoice, the label of the preceding paragraph.
 - (3) The certification of the preceding two paragraphs shall be granted by evaluating whether or not the mineral or industrial product complies with the relevant Japanese Industrial Standards by conducting product testing (i.e. the test, analysis, or measurement as conducted in accordance with the provisions of the Japanese Industrial Standards; the same shall apply hereinafter) of a sample/samples of such mineral or industrial product that relates to the application by the manufacturer, importer or distributor of the mineral or industrial product (hereinafter referred to as the "Manufacturer, etc.") and also

by evaluating whether or not the manufacturing quality management system (i.e. the technical production conditions required for maintaining quality of products including manufacturing facilities, inspection facilities, inspection methods, quality management methods, etc.; the same shall apply hereinafter) that relates to the application, by the Manufacturer, etc. complies with the criteria specified in the applicable Ordinance of the competent ministry.

However, if the evaluation is conducted concerning whether or not the mineral or industrial product complies with the relevant Japanese Industrial Standards by conducting product testing for all of the mineral or industrial products related to said application, the evaluation of the manufacturing quality management system may be omitted.

- (4) Except for the cases as prescribed in Paragraph 1 or Paragraph 2, no person shall affix the label of Paragraph 1 or a confusingly similar label to any mineral or industrial product it handles or its package, container or invoice.

(Labeling of Compliance of a Processing Technology with the Japanese Industrial Standards)

Article 20 (1) A processor of an mineral or industrial product may, having obtained the certification of a person accredited by the competent minister, affix to the mineral or industrial product in accordance with the processing technology pertaining to said certification or its package, container or invoice, a special label in accordance with the method specified in the Ordinance of the competent ministry indicating said product's conformity with the Japanese Industrial Standards.

- (2) The certification of the preceding paragraph shall be granted by evaluating whether or not the processing technology complies with the relevant Japanese Industrial Standards by testing a sample/samples of the mineral or industrial product processed with the processing technology pertaining to the application by the processor of the mineral or industrial product and also by evaluating whether or not the processing quality management system (i.e. the technical conditions for processing required for maintaining quality of the process including processing facilities, inspection facilities, inspection methods, quality management methods, etc.; the same shall apply hereinafter) complies with the criteria specified in the applicable ordinance of competent minister.

- (3) Except for the cases as provided for in Paragraph 1, no person shall affix the label of Paragraph 1 or a confusingly similar label to any mineral or industrial product it handles, or its package, container or invoice.

(Order for Reports and On-site Inspections)

Article 21 (1) Whenever the competent minister deems it necessary to enforce this Act, he/she may order the Manufacturer, etc. that obtained the

certification as specified in Paragraph 1 or Paragraph 2 of Article 19 (hereinafter referred to as the "Certified Manufacturer, etc.") to submit reports on the operations pertaining to the mineral or industrial products certified pursuant to such provisions, or may have the officials thereof enter said plant, workplace or other necessary location of the Certified Manufacturer, etc., and inspect said mineral or industrial product, its raw materials or its manufacturing quality management system.

- (2) Whenever the competent minister deems it necessary to enforce this Act, he/she may order the processor which obtained the certification of Paragraph 1 of the preceding article (hereinafter referred to as the "Certified Processor") to submit reports on the operations pertaining to the processing technology certified pursuant to the provisions of the same Paragraph, or may have the officials thereof enter said plant, workplace or other necessary location of the Certified Processor and inspect the mineral or industrial product processed with such processing technology, its raw materials or its processing quality management system.
- (3) The officials who conduct the on-site inspection pursuant to the provisions of the preceding two paragraphs shall possess identification cards and when requested by the people concerned, he/she shall present the identification card as the inspector to them.
- (4) The authority to conduct on-site inspections pursuant to Paragraph 1 and Paragraph 2 shall not be construed as permitted for the purpose of criminal investigations.

(Order to Remove Label, etc.)

Article 22 (1) In the case where the competent minister determines, as a result of the inspections conducted pursuant to the provisions of Paragraph 1 of the preceding Article, that a mineral or industrial product on which is affixed the label as specified in Paragraph 1 of Article 19 (including a label that may be confusingly similar) is affixed (including mineral or industrial products in the case where such label is affixed on its package, container or invoice; the same shall apply hereinafter in this paragraph) based on the certification granted pursuant to Paragraph 1 or Paragraph 2 of Article 19, does not comply with the Japanese Industrial Standards pertaining to such label or determines that the manufacturing quality management system for the mineral or industrial product pertaining to such certification is not appropriate, the competent minister may order the Certified Manufacturer, etc. to remove or delete said label, or to discontinue the sale of the mineral or industrial product on which is affixed such label.

- (2) In the case where the competent minister determines, as a result of the inspections conducted pursuant to the provisions of Paragraph 2 of the

preceding Article, that the processing technology of the mineral or industrial product on which is affixed the label as specified in Paragraph 1 of Article 20 (including a label that may be confusingly similar) is affixed (including mineral or industrial products in the case where such label is affixed on its package, container or invoice; the same applies hereinafter in this paragraph) based on the certification granted pursuant to Paragraph 1 of Article 20, does not comply with the Japanese Industrial Standards pertaining to such label or determines that the manufacturing quality management system for the mineral or industrial product pertaining to such certification is not appropriate, the competent minister may order the certified processor to remove or delete said label, or to discontinue the sale of the mineral or industrial product on which is affixed such label.

(Labeling of compliance of mineral or industrial products, etc. manufactured by foreign manufacturer with the Japanese Industrial Standards)

- Article 23 (1) Subject to a certification by a person accredited by the competent minister, a manufacturer of a mineral or industrial product carrying on business in a foreign country may affix the label in accordance with Paragraph 1 of Article 19 on the mineral or industrial product it manufactures pertaining to said certification, or its package, container or invoice.
- (2) Subject to a certification by a person accredited by the competent minister, an exporter of a mineral or industrial product carrying on business in a foreign country may affix the label in accordance with Paragraph 1 of Article 19 on the mineral or industrial product it exports pertaining to said certification, or its package, container or invoice.
- (3) Subject to a certification by a person accredited by the competent minister, a processor carrying on business in a foreign country may affix the label in accordance with Paragraph 1 of Article 20 on the mineral or industrial product it processes using its processing technology pertaining to said certification, or its package, container or invoice.
- (4) The provisions of Paragraph 3 of Article 19 shall apply mutatis mutandis to certifications of the provisions of Paragraph 1 and Paragraph 2, and the provisions of Paragraph 2 of Article 20 shall apply mutatis mutandis to certifications of the provisions of the preceding paragraph.

(Importation of mineral or industrial products on which the label is affixed)

- Article 24 (1) An importer shall not sell any mineral or industrial product on which the label of Paragraph 1 of Article 19 or a confusingly similar label is affixed (including said mineral or industrial products in the case where said label is affixed to its package, container or invoice) pertaining to such importation. However, this shall not apply in cases where such label is affixed

pursuant to provisions of the same Paragraph or Paragraph 2 of the same Article or Paragraph 1 or Paragraph 2 of the preceding Article.

- (2) An importer in regards to the processing technology shall not sell any mineral or industrial products on which the label of Paragraph 1 of Article 20 or a confusingly similar label is affixed (including said mineral or industrial products in the case where said label is affixed to its package, container or invoice) pertaining to such importation. However, this shall not apply in cases where such label is affixed pursuant to provisions of the same Paragraph or Paragraph 3 of the preceding Article.

Section 2 Accreditation of Certification Body

(Accreditation)

Article 25 (1) The accreditation in Paragraph 1 and Paragraph 2 of Article 19, Paragraph 1 of Article 20 and Paragraph 1 through Paragraph 3 of Article 23 (hereinafter in this Chapter referred to simply as the "Accreditation") shall be undertaken in response to applications by bodies who are to perform the certification as provided for in the Ordinance of the competent ministry in accordance with such provisions (hereinafter in this Chapter (excluding Item 1 of Paragraph 1 of Article 27) referred to simply as the "Certification") for each division of mineral or industrial product or its processing technology as specified in the Ordinance of the competent ministry (hereinafter in this Chapter referred to simply as the "Division of Mineral or Industrial Product or its Processing Technology").

- (2) In cases where an application has been made pursuant to the provisions of the preceding paragraph and when the competent minister (this shall be limited to when the Minister of Economy, Trade and Industry is the competent minister pursuant to the provisions of Paragraph 2 of Article 69) deems it necessary, he/she may have the National Institute of Technology and Evaluation (hereinafter referred to as "NITE") conduct the necessary investigations with regard to whether said application complies with each of the items of Paragraph 1 of Article 27.

(Disqualification Clause)

Article 26 Any person who falls under any of the following items may not be accredited.

- (i) A person who, having violated the provisions of this Act or disposition there under, was sentenced to the penalty of a fine or heavier and for whom two years have 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 person whose accreditation was cancelled pursuant to the provisions of Paragraph 1 of Article 38 or Paragraph 1 of Article 42 and for whom two years have not elapsed since the date of cancellation
- (iii) A judicial person any of whose executive officers falls under any of the preceding two items

(Criteria for Accreditation)

Article 27 (1) In case a person that has applied for the Accreditation pursuant to the provisions of Paragraph 1 of Article 25 (hereinafter in this paragraph referred to as the "Accreditation Applicant") complies with all of the following requirements, the competent minister shall accredit such Accreditation Applicant. In this case, the necessary procedures related to the Accreditation shall be provided for in the Ordinance of the competent ministry:

- (i) The Accreditation Applicant 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 business operator who manufactures, imports, sells, processes or exports the mineral or industrial product pertaining to the application or the mineral or industrial product pertaining to the division of its processing technology (hereinafter in this item and Paragraph 2 of Article 35 referred to as the "Certified Business Operator"):
 - (a) In case the Accreditation Applicant is a business 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 an officer or employee of such Certified Business Operator within past two years) to officers of the Accreditation Applicant (in case of membership company (as specified in Paragraph 1 of Article 575 of the Companies Act) employees executing operations) is over one-half.
 - (c) The Accreditation Applicant (in case of a judicial person, officer having representation power) is an officer or employee of a Certified Business Operator (including those who have been an officer or employee of such Certified Business Operator within past two years).
- (2) The Accreditation shall specify the following items into the Directory of Accredited Certification Body:
 - (i) Date of Accreditation and Accreditation No.
 - (ii) The name and address of the applicant, as well as the name of the

- representative if the applicant is a juridical person.
- (iii) Division of mineral or industrial product or its processing technology that the person accredited is to perform the Certification
 - (iv) Area, and name and address of the office, in which the person accredited is to perform the Certification
 - (v) In case the person accredited has a laboratory in which he/she is personally to conduct product testing pertaining to the Certification, name and address of the laboratory and the division of testing method to be conducted in such laboratory (meaning the division of the testing method prescribed in Paragraph 1 of Article 57)

(Renewal of the Accreditations)

- Article 28 (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 a 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 case an application for renewal 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 in this article 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 the Accreditation shall be calculated from the day following the date of expiration of the Effective Period of the previous Accreditation.

(Succession)

- Article 29 (1) In case an accredited person (hereinafter referred to as the "Accredited Certification Body") has assigned all of its businesses pertaining to said Accreditation or in case an inheritance, merger or split of an Accredited Certification Body (limited cases where of all of the business related to the relevant Accreditation is being succeeded to) has occurred, the assignee or heir of all of such businesses (in case there are two or more heirs, if an heir to inherit the business was selected according to an agreement of all the heirs, that heir; the same shall apply hereinafter), or the judicial person surviving the merger, or the judicial person founded after the merger, or the judicial person which has succeeded all of its businesses due to the split shall succeed to the position of the Accredited Certification Body.
- (2) The person or judicial person that has succeeded to the position of the

Accredited Certification Body pursuant to the provisions of the preceding paragraph shall notify the competent minister without delay attaching written verification of those facts.

(Fees)

Article 30 A person that seeks to be accredited or to have its Accreditation renewed shall pay an application fee in the amount specified in a Cabinet Order which shall take into consideration of the actual expenses.

Section 3 Domestic Accredited Certification Body

(Certification Obligation)

Article 31 (1) When an Accredited Certification Body (limited to those which have been accredited to undertake certification at offices located in Japan; hereinafter referred to as the "Domestic Accredited Certification 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 Domestic Accredited Certification Body shall undertake the certification operations fairly and in the method that complies with the criteria specified by the Ordinance of the competent ministry with regard to the matters listed in the following items:

(i) Matters related to the method, frequency and implementation period of the examinations in accordance with Paragraph 3 of Article 19 and Paragraph 2 of Article 20 (including the cases where these provisions apply *mutatis mutandis* in Paragraph 4 of Article 23)

(ii) Matters related to the public announcement of the mineral or industrial products or their processing technologies which have been certified and matters related to the manufacturers, importers, distributors or processors pertaining to such certification, or manufacturers, exporters or processors carrying on its business in foreign countries that relate to the Certification

(iii) Matters related to the measures to be taken in the case where any mineral or industrial products on which the label of Paragraph 1 of Article 19 or Paragraph 1 of Article 20 is affixed do not comply with the Japanese Industrial Standards related to such label

(iv) Any other matters necessary to the appropriate performance of the certification operations

(3) A Domestic Accredited Certification Body shall report to the competent minister the names, addresses and other data required by the Ordinance of the competent ministry of the manufacturers, etc. or processors that it has granted the Certification, pursuant to the provisions of the Ordinance of the competent ministry.

(Notification of the Change of Office)

Article 32 In case a Domestic Accredited Certification Body intends to change the location of its office in which it performs the Certification operations, it shall notify the competent minister no later than two (2) weeks prior to the date on which it is to change the same.

(Service Rules)

Article 33 (1) A Domestic Accredited Certification Body shall enact its rules for certification operations (hereinafter referred to as the "Service Rules") and notify the same with the competent minister 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 the Ordinance of the competent ministry.

(Suspension or Abolition of Operations)

Article 34 In case a Domestic Accredited Certification Body intends to suspend or abolish all or part of its Certification operations, it shall notify the fact to the competent minister no later than six months prior to the date on which it is to suspend or abolish the Certification operations.

(Keeping and Inspecting of Financial Statements, etc.)

Article 35 (1) A Domestic Accredited Certification Body shall, within three months after the end of each business year, prepare a list of property, a balance sheet and profit and loss statement or a settlement of accounts and 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; hereinafter the same shall apply in this article), or electromagnetic records are prepared instead of preparing the documents, such electromagnetic records shall be included; these documents shall hereinafter be referred to as "Financial Statements, etc." in the following paragraph and Item 2 of Article 74.) and keep them in its office for five years.

(2) The Certified Business Operator and other interested persons may request items listed as follows any time in the office hours of Domestic Accredited Certification Body. However, for the request of Item 2 or Item 4, one shall pay expenses set by the Domestic Accredited Certification Body:

(i) Request for browse and 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 for browse and photocopying the contents displayed in accordance with the Ordinance of the competent ministry
- (iv) Request for obtaining the electromagnetically recorded content mentioned in the previous item in an electromagnetic form in accordance with the Ordinance of the competent ministry or request for obtaining the said content in the form of paper

(Conformity Order)

Article 36 When the competent minister recognizes that a Domestic Accredited Certification Body has ceased to comply with the standards prescribed in each item of paragraph 1 of Article 27, the minister can order the Domestic Accredited Certification Body to take necessary measures to conform to the said standards.

(Improvement Order)

Article 37 When the competent minister finds that a Domestic Accredited Certification violated the provisions of Article 31, the minister can order the said Domestic Accredited Certification violated to carry out the Certification operation or to take necessary measures to improve the Certification method or other business methods.

(Cancellation of Accreditation, etc.)

Article 38 (1) If a Domestic Accredited Certification Body falls under any of the following items, the competent minister may cancel the Accreditation or order the Accredited Certification Body to suspend the whole or part of its Certification operations for a fixed period:

- (i) When the Domestic Accredited Certification Body came under any of the items in Article 26.
- (ii) When the Domestic Accredited Certification Body violated the provisions of Article 31, Article 32, Paragraph 1 of Article 33, Article 34, Paragraph 1 of Article 35 or the article that follows.
- (iii) When the Domestic Accredited Certification Body refused requests pursuant to the provisions of the items in Paragraph 2 of Article 35 without justifiable causes
- (iv) When the Domestic Accredited Certification Body violated an order pursuant to the preceding two articles.
- (v) When the Domestic Accredited Certification Body was accredited by wrongful means.

(2) In case the competent minister intends to conduct a hearing pertaining to any of the dispositions pursuant to the provisions of the preceding paragraph, he/she shall give notice pursuant to the provisions of Paragraph 1 of Article 15 of the Administrative Procedures Act (Act No. 88 of 1993) no later than one week prior to the date of hearing and also publicly notify the date of hearing.

(Bookkeeping)

Article 39 A Domestic Accredited Certification Body shall prepare books and state in such books the matters concerning the Certification operations specified in the Ordinance of the competent ministry pursuant to the provisions of the Ordinance of the competent ministry.

(Order for Reports and On-site Inspections / Surveillance*1)

Article 40 (1) Whenever the competent minister deems it necessary to enforce this Act, he/she may have a Domestic Accredited Certification Body submit reports on its operations or have the officials thereof enter the office of the Domestic Accredited Certification Body and inspect the conditions of the operations, books, documents and other materials of the Domestic Accredited Certification Body.

(2) The provisions of Paragraphs 3 and 4 of Article 21 shall apply mutatis mutandis to the on-site inspections / surveillance specified in the preceding paragraph.

Section 4 Foreign Accredited Certification Body

(Certification Obligation, etc.)

Article 41 (1) When an Accredited Certification Body (limited to those which have been accredited to undertake certification at offices located in a foreign country; hereinafter referred to as the "Foreign Accredited Certification 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) The provisions of Paragraphs 2 and 3 of Article 31, Articles 32 through 37 and Article 39 shall apply mutatis mutandis to the Foreign Accredited Certification Bodies. In this case, the term "order" which appears in the articles 36 and 37 shall be replaced with "request."

(Cancellation of the Accreditation, etc.)

Article 42 (1) If a Foreign Accredited Certification Body falls under any of the following items, the competent minister may cancel the Accreditation:

(i) When the Foreign Accredited Certification Body came under any of the

- items in Article 26.
- (ii) When the Foreign Accredited Certification Body violated the provisions of Paragraph 1 of the preceding article, Paragraph 2 or 3 of Article 31, Article 32, Paragraph 1 of Article 33, Article 34, Paragraph 1 of Article 35, or Article 39 which are applied mutatis mutandis in Paragraph 2 of the preceding article.
 - (iii) When the Foreign Accredited Certification Body refused requests pursuant to the provisions of the items in Paragraph 2 of Article 35, which are applied mutatis mutandis in Paragraph 2 of the preceding article, without justifiable causes.
 - (iv) When the Foreign Accredited Certification Body has failed to respond to a request pursuant to the provisions of Article 36 or 37, which are applied mutatis mutandis in Paragraph 2 of the preceding article.
 - (v) When the Foreign Accredited Certification Body was accredited by wrongful means.
 - (vi) When the competent minister deems that the Foreign Accredited Certification Body falls under any one of the preceding items and requested that the Foreign Accredited Certification Body suspend the whole or part of its Certification operations for a fixed period and when the Foreign Accredited Certification Body fails to respond to that request.
 - (vii) When the Foreign Accredited Certification Body failed to report or made a false report in the case where the competent minister requested it to make a report on its operations as he/she deemed it necessary.
 - (viii) In the case where the competent minister deemed it necessary to have the officials thereof conduct an inspection of the office of the Foreign Accredited Certification Body with regard to the matters prescribed in Paragraph 1 of Article 40 and where the Foreign Accredited Certification Body refused, interfered with or evaded such inspection.
 - (ix) When the Foreign Accredited Certification Body fails to bear the cost pursuant to Paragraph 3.
- (2) In case where the competent minister intends to conduct a hearing pertaining to the dispositions pursuant to the provisions of the preceding paragraph, he/she shall give notice in accordance with the provisions of Paragraph 1 of Article 15 of the Administrative Procedures Act no later than two (2) weeks prior to the date of hearing and also publicly notify the date of hearing.
- (3) The cost required for the inspection as specified in Item 8 of Paragraph 1 of this Article (limited to those specified in a Cabinet Order) shall be borne by the Foreign Accredited Certification Body subject to said inspection.

Article 43 Deleted

Article 44 Deleted

Article 45 Deleted

Article 46 Deleted

Article 47 Deleted

Article 48 Deleted

Article 49 Deleted

Article 50 Deleted

Article 51 Deleted

Article 52 Deleted

Article 53 Deleted

Article 54 Deleted

Article 55 Deleted

Article 56 Deleted

Chapter V Business of Product Testing

(Accreditation of the Testing Laboratory of a Testing Laboratory Operator)

Article 57 (1) A person who carries on the business of product testing at its testing laboratory located in Japan may apply to the competent minister to have the testing laboratory accredited for each division of the testing method as specified in the Ordinance of the competent ministry (hereinafter simply referred to as the "Division of the Testing Method") pursuant to the provisions of the Ordinance of the competent ministry. In this case, the procedures necessary to be taken for the Accreditation shall be specified in the Ordinance of the competent ministry.

(2) The competent minister shall register the testing laboratory pertaining to the application for the Accreditation of the preceding paragraph when such laboratory complies with the criteria related to laboratories as specified by the International Organization for Standardization and the International

Electrotechnical Commission.

- (3) The Accreditation of Paragraph 1 shall note the matters set forth as follows in the registry of testing laboratory operator.
 - (i) Date of Accreditation and Accreditation No.
 - (ii) Name and address of the person accredited and, in case of a judicial person, name of its representative officer
 - (iii) Name and location of the testing laboratory accredited
 - (iv) Division of the Testing Method for which the test shall be conducted in the testing laboratory accredited

(Issuance of Certificate)

- Article 58 (1) When a person who received the Accreditation of Paragraph 1 of the preceding Article (hereinafter referred to as the "Accredited Testing Laboratory Operator") has conducted product testing pertaining to Division of the Testing Method that has been accredited at an accredited testing laboratory, he/she may issue a certificate on which the matters as specified in the Ordinance of the competent ministry are entered and the accreditation symbol as designated by the Ordinance of the competent ministry is affixed.
- (2) Except for the case as prescribed in the preceding paragraph, no person shall affix the symbol of the same Paragraph or a confusingly similar symbol on a certificate pertaining to product testing.
 - (3) In addition to the case prescribed in the preceding Paragraph, an Accredited Testing Laboratory Operator shall not affix the symbol of Paragraph 1 or a confusingly similar symbol on anything other than certificate pertaining to product testing.

(Renewal of the Accreditation)

- Article 59 (1) The Accreditation of Paragraph 1 of Article 57 shall expire by lapse of time unless it is renewed within each of the periods of not less than three years specified in a Cabinet Order.
- (2) The provisions of Article 57 shall apply mutatis mutandis to the renewal of the Accreditation in the preceding paragraph.
 - (3) In case an application for renewal 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 in this article 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 the Accreditation shall be calculated from the day following the date of expiration of the Effective Period of the previous

Accreditation.

(Succession)

Article 60 (1) In case an Accredited Testing Laboratory Operator has assigned all of its business pertaining to said accredited testing laboratory or in case an inheritance, merger or split of an Accredited Testing Laboratory Operator (limited to cases of all of the business related to the relevant accredited testing laboratory is being succeeded to) has occurred, the assignee or heir of all of such business related to the accreditation testing laboratory, or the judicial person surviving the merger, or the judicial person founded after the merger, or the judicial person which has inherited all of its business pertaining to the accredited testing laboratory due to the split shall succeed to the position of the Accredited Testing Laboratory Operator.

(2) The person or judicial person that has succeeded to the position of the Accredited Testing Laboratory Operator pursuant to the provisions of the preceding paragraph shall notify the competent minister without delay attaching written verification of those facts.

(Notification)

Article 61 In case an Accredited Testing Laboratory Operator has abolished its business pertaining to the accredited testing laboratory, which has received said Accreditation, it shall notify the competent minister of the fact without delay.

(Fees)

Article 62 (1) A person that seeks to be accredited pursuant to Paragraph 1 of Article 57 or to have its Accreditation renewed pursuant to Paragraph 1 of Article 59 shall pay an application fee in the amount specified in a Cabinet Order which shall take into consideration of the actual expenses.

(2) The application fee that is paid by the person who is to be accredited or to have its Accreditation renewed by the competent ministry shall be a revenue to national treasury, and the application fee that is paid by the person who is to be accredited or to have its Accreditation renewed by the NITE shall be a revenue of the NITE.

(Cancellation of Accreditation)

Article 63 If an Accredited Testing Laboratory Operator falls under any of the following items, the competent minister may cancel the Accreditation of its testing laboratory:

(i) When the testing laboratory no longer complies with the standards of Paragraph 2 of Article 57.

- (ii) When the Accredited Testing Laboratory Operator received the Accreditation of Paragraph 1 of Article 57 by wrongful means.

(Order for Reports and On-site Inspections / Surveillance)

Article 64 (1) Whenever the competent minister deems it necessary to enforce this Act, he/she may have the Accredited Testing Laboratory Operator submit reports on its operations, or have the officials of the competent ministry enter the Accredited Testing Laboratory Operator's office and inspect the conditions of the operations, books, documents and other materials.

- (2) The provisions of Paragraphs 3 and 4 of Article 21 shall apply mutatis mutandis to the on-site inspection / surveillance pursuant to the provisions of the preceding paragraph.

(Deemed Accreditation of an Accredited Certification Body's Testing Laboratory located in Japan)

Article 64-2 With regard to the application of the provisions of Article 58, an Accredited Certification Body's testing laboratory (limited to laboratories which are entered in the Directory of Certification Body pursuant to the provisions of Item 5 of Paragraph 2 of Article 27) shall be deemed to have been Accredited pursuant to the provisions of Paragraph 1 of Article 57 for the Division of the Testing Method as entered in the Directory of Certification Body pursuant to provisions of said item,.

(Accreditation, etc. of Testing Laboratory of Foreign Testing Laboratory Operator)

- Article 65 (1) A person who carries on the business of product testing at its testing laboratory located in a foreign country may apply to the competent minister to have the laboratory Accredited for each Division of the Testing Method pursuant to the provisions of the applicable Ordinance of the competent ministry. In this case, the procedures required to be taken for the Accreditation shall be specified in the Ordinance of the competent ministry.
- (2) The provisions of Paragraphs 2 and 3 of Article 57, Paragraph 1 of Article 59 and Article 62 shall apply mutatis mutandis to the Accreditation pursuant to the provisions of the preceding Paragraph. The provisions of Paragraph 1 and Paragraph 3 of Article 58, Article 60 and Article 61 shall apply mutatis mutandis to persons who have been accredited pursuant to the provisions of the preceding paragraph (hereinafter referred to as the "Accredited Foreign Testing Laboratory Operator"). The provisions Paragraphs 2 and 3 of Article 57 which are applied mutatis mutandis in Paragraph 2 of Article 59, and the provisions of Paragraphs 3 and 4 of Article 59 and Article 62 shall apply mutatis mutandis to the renewal of the Accreditation as specified in the

provisions of Paragraph 1 of Article 59 which is applied mutatis mutandis pursuant to the provisions of this paragraph.

(3) If an Accredited Foreign Testing Laboratory Operator falls under any of the following items, the competent minister may cancel the Accreditation of its testing laboratory:

- (i) When the Accredited Foreign Testing Laboratory Operator no longer complies with the standards of Paragraph 2 of Article 57 which is applied mutatis mutandis in the preceding paragraph.
- (ii) When the Accredited Foreign Testing Laboratory Operator received the Accreditation of Paragraph 1 by wrongful means.
- (iii) When the Accredited Foreign Testing Laboratory Operator fails to report or has made a false report in the event that the competent minister requested it to make a report on its business as he/she deemed it necessary.
- (iv) In the case where the competent minister deemed it necessary to have the officials thereof conduct an inspection of the office of the Accredited Foreign Testing Laboratory Operator with regard to the matter prescribed in Paragraph 1 of Article 64 and where the Accredited Foreign Testing Laboratory Operator refused, interfered with or evaded such inspection.
- (v) When the Accredited Foreign Testing Laboratory Operator fails to bear the cost pursuant to the following paragraph.

(4) The cost required for the inspection of Item 4 of the preceding paragraph (limited to those specified in a Cabinet Order) shall be borne by the Accredited Foreign Testing Laboratory Operator subject to said inspection.

(Deemed Accreditation of an Accredited Certification Body's Laboratory located in a Foreign Country)

Article 65-2 The provisions of Article 64-2 shall apply mutatis mutandis to an Accredited Certification Body's laboratory located in a foreign country. In this case, the words "Article 58" shall be replaced with "Paragraph 1 and Paragraph 3 of Article 58 which are applied mutatis mutandis in Paragraph 2 of Article 65" and the words "Paragraph 1 of Article 57" shall be replaced with "Paragraph 1 of Article 65".

(Sale of Imported Goods which used a Certificate on which the Accreditation Symbol is Affixed)

Article 66 An importer shall not sell any mineral or industrial product pertaining to its importation by using a certificate pertaining to product testing on which the Accreditation symbol specified in Paragraph 1 of Article 58 or a confusingly similar symbol is affixed, however, this shall not apply to the case where such symbol is affixed in accordance with the provisions of the same paragraph (including the case where it applies mutatis mutandis in

Paragraph 2 of Article 65).

Chapter VI Miscellaneous Provisions

(Respect for the Japanese Industrial Standards)

Article 67 The State and local government shall respect the Japanese Industrial Standards when specifying the technical standards with regard to industry, when specifying the specifications relating to purchased mineral or industrial products and when specifying the fixed standards relating to matters listed in the items of Article 2 when otherwise performing administrative work.

(Public notice of the Accreditations, etc.)

Article 68 In the event of the following, the competent minister shall make a public announcement to that effect in the official gazette.

- (i) When the Accreditation of Paragraph 1 and Paragraph 2 of Article 19, Paragraph 1 of Article 20 and Paragraph 1 through Paragraph 3 of Article 23 was made, or when the renewal of Accreditation of Paragraph 1 of Article 28 was made.
- (ii) When the application for the renewal of the Accreditation as specified in Paragraph 1 of Article 28 was not made six months prior to the expiration of the period as specified in the same paragraph.
- (iii) When the notification was given pursuant to the provisions of Article 32 or Article 34 (including the case where these provisions apply mutatis mutandis in Paragraph 2 of Article 41).
- (iv) When the Accreditation was cancelled or order was given to suspend operation pursuant to Paragraph 1 of Article 38.
- (v) When the Accreditation was cancelled pursuant to Paragraph 1 of Article 42.
- (vi) When the Accreditation of Paragraph 1 of Article 57 or Paragraph 1 of Article 65 was made.
- (vii) When the Accreditation was cancelled pursuant to Article 63 or Paragraph 3 of Article 65.

(The Competent Minister, etc.)

Article 69 (1) The competent minister in Chapter III, shall be as follows:

- (i) The competent minister shall be the Minister of Health, Labor and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Economy, Trade and Industry, or Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provisions of a Cabinet Order, with regard to the matters related to the Industrial Standards for the mineral or industrial products or industrial technologies listed in Item 1 through Item 5 of Article 2 (except for those specified in Item 3).

- (ii) The competent minister shall be the Minister of Internal Affairs and Communications, Minister of Education, Culture, Sports, Science and Technology, Minister of Health, Labor and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Economy, Trade and Industry, Minister of Land, Infrastructure, Transport and Tourism, or Minister of the Environment, pursuant to the provisions of a Cabinet Order, with regard to the matters related to the Industrial Standards for buildings and other structures listed in Item 6 of Article 2 (except for those specified in next Item).
- (iii) The competent minister shall be the Minister of Health, Labor and Welfare, with regard to the matters that relate to degree of safety and matters related to prevention of industrial accident and specified in a Cabinet Order among matters pertaining to the mineral or industrial products, industrial technologies or buildings and other structures listed in each of the items of Article 2.
- (2) The competent minister from Chapter IV to this Chapter shall be the Minister of Health, Labor and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Economy, Trade and Industry, or Minister of Land, Infrastructure, Transport and Tourism who holds jurisdiction over the business of the production of said mineral or industrial product.
- (3) The Ordinance of the competent ministry in the Chapter III shall be an order issued by the competent minister as designated in Paragraph 1 and the Ordinance of the competent ministry in Chapter IV through this Chapter shall be an order issued by the competent minister as designated in the preceding Paragraph.

(Affairs to be Performed by the NITE)

Article 69-2 The competent minister (limited to the case where the Minister of Economy, Trade and Industry is the competent minister in accordance with the provisions of Paragraph 2 of the preceding Article; the same applies to the next Article through Article 69-5) shall have the NITE perform: Affairs related to the Accreditation in accordance with the provisions of Paragraph 1 of Article 57, Affairs related to the renewal of the Accreditation in accordance with Paragraph 1 of Article 59 (including the case where it applies mutatis mutandis in Paragraph 2 of Article 65), Affairs related to the acceptance of notifications in accordance with the provisions of Paragraph 2 of Article 60 and Article 61 (including the cases where these provisions apply mutatis mutandis in Paragraph 2 of Article 65), Affairs related to the withdrawal of the Accreditation in accordance with the provisions of Article 63, Affairs related to the requesting of reports and on-site inspections / surveillance in accordance with the provisions of Paragraph 1 of Article 64, Affairs related to the

Accreditation in accordance with the provisions of Paragraph 1 of Article 65, Affairs related to the withdrawal of the Accreditation in accordance with the provisions of Paragraph 3 of Article 65, Affairs related to the requesting of reports in accordance with the provisions of Item 3 of Article 3 of Article 65, Affairs related to the inspections in accordance with the provisions of Item 4 of Paragraph 3 of Article 65, and Affairs related to the public announcement in accordance with the provisions of Article 68 (but limited to those related to Items 6 and 7 of the same Article).

(On-site Inspection / Surveillance undertaken by NITE)

Article 69-3 (1) The competent minister may, when deeming it necessary, have the NITE conduct an on-site inspection / surveillance pursuant to the provisions of Paragraph 1 or Paragraph 2 of Article 21, or Paragraph 1 of Article 40.

(2) The competent minister may, when deeming it necessary, have the NITE conduct the inspections / surveillance as specified in Item 8 of Paragraph 1 of Article 42.

(3) In case the competent minister is to have the NITE conduct an on-site inspection / surveillance or an inspection pursuant to the provisions of the preceding two paragraphs, he/she shall provide the NITE with the location of the on-site inspection / surveillance or inspection and other necessary information and give it an instruction that the same should be conducted.

(4) When the NITE conducted an on-site inspection /surveillance specified in Paragraph 1 or an inspection specified in Paragraph 2 in accordance with the instruction mentioned in the preceding Paragraph, it shall report the result thereof to the competent minister.

(5) The officials of the NITE who conduct an on-site inspection / surveillance pursuant to the provision of Article 1 shall possess identification cards as the inspector and when requested by the people concerned, he/she shall present the identification card to them.

(Orders to the NITE)

Article 69-4 When the competent minister deems it necessary to ensure the appropriate conduct of the business as specified in Article 69-2 (but limited to the parts of it related to Article 63, Paragraph 1 of Article 64 and Paragraph 3 of Article 65) or Paragraph 1 or Paragraph 2 of the preceding Article, he/she may issue a necessary order to NITE with regard to the business.

(Claim for examination of disposition, etc. by the NITE.)

Article 69-5 Any person who has an objection against a disposition or inaction by the NITE pursuant to the provisions of this Act may request an examination by

the competent minister pursuant to Administrative Complaint Review Act (Act No. 160 of 1962).

(Delegation of Authority)

Article 69-6 The matters vested in the authority of the Minister of Economy, Trade and Industry pursuant to the provisions of the Chapter IV may be delegated by the Director-General of the Bureau of Economy, Trade and Industry as prescribed by the stipulations of a Cabinet Order.

Chapter VII Penal Provisions

Article 70 Any person who falls under any of the following items shall be punished with a penal servitude not exceeding one year or fine not exceeding 1,000,000 yen.

- (i) A person who violated the provisions of Paragraph 4 of Article 19 or Paragraph 3 of Article 20
- (ii) A person who violated the order pursuant to provisions of Article 22
- (iii) A person who violated the provisions of Article 24
- (iv) A person who violated the order pursuant to the provisions of Paragraph 1 of Article 38

Article 71 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 violated the provisions of Paragraph 2 of Article 58
- (ii) A person who violated the provisions of Article 66

Article 72 Any person who falls under any of the following items shall be punished with a fine not exceeding 300,000 yen.

- (i) A person who fails to report pursuant to the provisions of Paragraph 1 or Paragraph 2 of Article 21, paragraph 1 of Article 40, or paragraph 1 of Article 64, or makes a false report or refused, interfered with or evaded such inspection pursuant to these provisions
- (ii) A person who fails to report pursuant to the provisions of Paragraph 3 of Article 31 or makes a false report
- (iii) A person who fails to submit a notification pursuant to the provisions of Article 34 or submits a false notification
- (iv) A person who fails to make entries in the books pursuant to the provisions of Article 39 or makes false entries or fails to preserve the books

Article 73 When the representative of a juridical person or an agent, worker or other employees of a juridical person, or an individual, with regard to the

business of said judicial person or individual, has committed a violation of the preceding three Articles, not only the offender shall be punished, but also said juridical person or individual shall be punished with a fine in accordance with said Articles.

Article 74 Any person who falls under any of the following items shall be punished with a fine not exceeding 200,000 yen.

(i) A person who fails to submit a notification pursuant to the provisions of Paragraph 2 of Article 29 or submits a false notification

(ii) A person who fails to prepare Financial Statements, etc., failed to record necessary items or made mendacious records contravening the provisions of Paragraph 1 of Article 35, in Financial Statements, etc. or a person who refused the request prescribed in Paragraph 2 of the same article without justifiable causes.

Article 75 In the case an order pursuant to the provisions of Article 69-4 is violated, the officer of the NITE which committed said violation shall be punished with a fine not exceeding 200,000 yen.

Article 76 A person who fails to submit a notification pursuant to the provisions of Paragraph 2 of Article 60 or Article 61 or submits a false notification shall be punished with a fine not exceeding 100,000 yen.