

Act on Conservation of Endangered Species of Wild Fauna and Flora

(Act No. 75 of June 5, 1992)

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Chapter I General Provisions

(Purpose)

Article 1 In view of the fact that wild fauna and flora are not only important constituent elements of ecosystems, but are essential for enriching the lives of human beings as an important part of the natural environment, the purpose of this Act is to conserve a satisfactory natural environment by ensuring the

conservation of endangered species of wild fauna and flora, thereby contributing to securing wholesome and cultured lives for present and future generations of citizens.

(Responsibilities)

Article 2 (1) The nation shall, at all times, monitor the status of wild fauna and flora species (if any species have subspecies or varieties designated by Cabinet Order, such subspecies or varieties; the same shall apply hereinafter), as well as formulate and implement comprehensive measures for the conservation of endangered species of wild fauna and flora.

(2) Local public entities shall endeavor to formulate and implement measures for the conservation of endangered species of wild fauna and flora, depending on the natural and social conditions within their territories.

(3) Citizens shall endeavor to contribute to the conservation of endangered species of wild fauna and flora in such ways as cooperating with the measures carried out by the nation and local public entities set forth in the preceding two paragraphs.

(Respect for Property Rights, etc.)

Article 3 When applying this Act, respect shall be shown for ownership and any other property rights held by persons concerned, consideration shall be given to the stability of residents' lives as well as the maintenance and promotion of their welfare, and attention shall be paid to the conservation of national land and other accommodation of the public good.

(Definitions, etc.)

Article 4 (1) The term "endangered" as used in this Act means that, with regard to species of wild fauna and flora, the number of individual organisms of said species is notably small, the number of individual organisms of said species is decreasing notably, the major habitats of the individual organisms of said species are disappearing, the environment where the individual organisms of said species live or grow is deteriorating notably, to a level that would be detrimental to the survival of said species, or there are other circumstances that would be detrimental to the survival of said species.

(2) The term "endangered species of wild fauna and flora" as used in this Act means the nationally endangered species of wild fauna and flora set forth in the following paragraph, the internationally endangered species of wild fauna and flora set forth in paragraph (4), and the temporarily designated endangered species set forth in paragraph (1) of the following Article.

(3) The term "nationally endangered species of wild fauna and flora" as used in this Act means endangered species of wild fauna and flora, of which individual

organisms live or grow in Japan, designated by Cabinet Order.

- (4) The term "internationally endangered species of wild fauna and flora" as used in this Act means endangered species of wild fauna and flora for which arrangements have been made to ensure conservation through international cooperation (excluding nationally endangered species of wild fauna and flora) designated by Cabinet Order.
- (5) The term "designated nationally endangered species of wild fauna and flora" as used in this Act means nationally endangered species of wild fauna and flora which satisfy both of the following requirements and which are designated by Cabinet Order:
 - (i) individual organisms of the species may be bred or propagated commercially; and
 - (ii) no arrangements have been made to ensure conservation of the species through international cooperation.
- (6) When the Minister of the Environment drafts the Cabinet Order referenced in the preceding three paragraphs, upon its enactment, revision, or repeal, he/she shall hear the opinions of the Central Environment Council.

(Urgent Endangered Species Designation)

- Article 5 (1) When the Minister of the Environment finds it necessary and especially urgent to ensure the conservation of any species of wild fauna or flora which is neither a nationally nor an internationally endangered species of wild fauna or flora, he/she may designate said species as a temporarily designated endangered species.
- (2) Before making a designation under the provisions of the preceding paragraph (hereinafter referred to as the "designation" in this Article), the Minister of the Environment shall consult with the head of the relevant administrative organ in advance.
 - (3) The period of the designation shall not exceed three years.
 - (4) The Minister of the Environment shall provide public notice of the designation and of the species of wild fauna or flora to which the designation pertains in the official gazette.
 - (5) The designation shall become effective on the second day following the day of the public notice under the provisions of the preceding paragraph.
 - (6) When the Minister of the Environment finds that the designation is no longer necessary, he/she shall repeal it.
 - (7) The provisions of paragraphs (2), (4), and (5) shall apply mutatis mutandis to the cancellation of a designation under the provisions of the preceding paragraph. In this case, the phrase "on the second day following the day of the public notice under the provisions of the preceding paragraph" in paragraph (5) shall be deemed to be replaced with "upon publication of public notice under

the provisions of the preceding paragraph as applied mutatis mutandis pursuant to paragraph (7)."

(National Guidelines for the Conservation of Endangered Species of Wild Fauna and Flora)

Article 6 (1) The Minister of the Environment shall draft national guidelines for the conservation of endangered species of wild fauna and flora with the advice of the Central Environmental Council and shall seek a cabinet decision thereon.

(2) The national guidelines set forth in the preceding paragraph (hereinafter referred to as the "national guidelines for the conservation of endangered species of wild fauna and flora" in this Article) shall provide for the following matters:

(i) the basic concept for the conservation of endangered species of wild fauna and flora;

(ii) basic matters concerning the selection of endangered species of wild fauna and flora;

(iii) basic matters concerning the treatment of individual organisms (including eggs or seeds which are specified by Cabinet Order; the same shall apply hereinafter) from endangered species of wild fauna and flora, any parts of such individual organisms (limited to those parts which require any of the species conservation measures under this Act, such as regulation of transfer, etc., from which the species can be easily identified and which are specified by Cabinet Order; the same shall apply hereinafter), and any processed products made from such individual organisms or such parts thereof (limited to those parts from which the species can be easily identified and which are specified by Cabinet Order; the same shall apply hereinafter);

(iv) basic matters concerning the protection of the habitat of individual organisms from nationally endangered species of wild fauna and flora;

(v) basic matters concerning programs for the rehabilitation of natural habitats and maintenance of viable populations (meaning programs for promoting the breeding or propagation of individual organisms of nationally endangered species of wild fauna and flora, maintaining their habitat, or otherwise ensuring the conservation of nationally endangered species of wild fauna and flora; the same shall apply in Chapter IV); and

(vi) Other important matters concerning the conservation of endangered species of wild fauna and flora in addition to what is listed in the preceding items.

(3) When the cabinet decision set forth in paragraph (1) is made on the national guidelines for the conservation of endangered species of wild fauna and flora, the Minister of the Environment shall provide public notice of said decision without delay.

- (4) The provisions of paragraph (1) and the preceding paragraph shall apply mutatis mutandis to any amendment to the national guidelines for the conservation of endangered species of wild fauna and flora.
- (5) The contents of any dispositions based on the provisions of this Act and measures and programs for the conservation of endangered species of wild fauna and flora shall be in harmony with the national guidelines for the conservation of endangered species of wild fauna and flora.

Chapter II Regulation of the Treatment of Individual Organisms, etc.
Section 1 Obligations, etc. of Owners of Individual Organisms, etc.

(Obligations of Owners of Individual Organisms, etc.)

Article 7 An owner or possessor of an individual organism from an endangered species of wild fauna or flora, any body part of an individual organism, or any processed product made from an individual organism or a body part thereof (hereinafter collectively referred to as an "individual organism, etc.") shall be aware of the importance of the conservation of endangered species of wild fauna and flora, and endeavor to care for the individual organism, etc. appropriately.

(Advice or Guidance)

Article 8 When the Minister of the Environment finds it to be necessary for the conservation of endangered species of wild fauna and flora, he/she may provide the owner or possessor of an individual organism, etc. from an endangered species of wild fauna or flora with necessary advice or guidance concerning the treatment of said individual organism, etc.

Section 2 Prohibition of the Taking of Individual Organisms and Transfer, etc. of Individual organisms, etc.

(Prohibition of the Taking)

Article 9 No person shall capture, collect, kill, or harm (hereinafter collectively referred to as "take") a living individual organism from a nationally endangered species of wild fauna or flora, or from a temporarily designated endangered species (hereinafter collectively referred to as a "nationally endangered species of wild fauna and flora, etc." in this Section and Article 54, paragraph (2)). However, this shall not apply in any of the following cases:

- (i) where a person obtains the permission set forth in paragraph (1) of the following Article and engages in the taking to which said permission pertains;
- (ii) cases specified by Ordinance of the Ministry of the Environment as those in

which it is particularly necessary for a person to engage in the taking to earn his/her living, and where such taking poses no risk of impeding the conservation of the species; or

(iii) where unavoidable grounds specified by Ordinance of the Ministry of the Environment exist, such as the protection of human life or of a human's body from harm.

(Permission for the Taking)

Article 10 (1) A person who intends to take a living individual organism from a nationally endangered species of wild fauna or flora, etc. for the purpose of academic research, breeding, or propagation or for any other purpose specified by Ordinance of the Ministry of the Environment shall obtain the permission of the Minister of the Environment.

(2) To obtain the permission set forth in the preceding paragraph, a person shall apply to the Minister of the Environment as provided by Ordinance of the Ministry of the Environment.

(3) When any of the following grounds exist with regard to a taking to which the application set forth in the preceding paragraph pertains, the Minister of the Environment shall not grant permission under paragraph (1):

(i) the purpose of the taking does not conform to any of the purposes prescribed in paragraph (1);

(ii) the taking poses a risk of impeding the conservation of the nationally endangered species of wild fauna or flora, etc. ; or

(iii) the person engaging in the taking is found to be unable to appropriately care for the individual organism he/she intends to take due to not having an appropriate rearing and/or cultivating facility or for any other reason.

(4) When granting permission under paragraph (1), if either of the circumstances specified in the following items for the respective categories of permission set forth therein exist, the Minister of the Environment may attach conditions to the permission to the extent necessary:

(i) permission other than that prescribed in the following item: if the minister finds it to be necessary for the conservation of the nationally endangered species of wild fauna or flora, etc. ; or

(ii) permission to take a living individual organism from a designated nationally endangered species of wild fauna or flora for the purpose of breeding or propagation for transfer or delivery in connection with the business set forth in Article 30, paragraph (1): if the minister finds it to be necessary to contribute to the conservation of the endangered species of wild fauna or flora through the promotion of breeding or propagation of individual organisms of the designated nationally endangered species of wild fauna or flora.

- (5) When the Minister of the Environment grants permission under paragraph (1), he/she shall issue a permit as provided by Ordinance of the Ministry of the Environment.
- (6) Any recipient of permission under paragraph (1) who is specified by Ordinance of the Ministry of the Environment as a juridical person or a person with unavoidable reasons for having another person engage in the taking to which said permission pertains may, as provided by Ordinance of the Ministry of the Environment, apply to the Minister of the Environment for an operator certificate certifying that the certificate holder engages in the taking to which the permission pertains under said person's supervision.
- (7) A recipient of permission under paragraph (1) may, if said person or a person engaged in the taking to which the permission pertains under said person's supervision loses the permit set forth in paragraph (5) or the operator certificate set forth in the preceding paragraph or if the permit or the operator certificate is destroyed, apply to the Minister of the Environment and be reissued the permit or operator certificate as provided by Ordinance of the Ministry of the Environment.
- (8) A recipient of permission under paragraph (1) or a person engaged in the taking to which the permission pertains under said person's supervision shall carry the permit set forth in paragraph (5) or the operator certificate set forth in paragraph (6) when engaging in the taking.
- (9) A person who has engaged in the taking after obtaining permission under paragraph (1) shall appropriately care for the individual organism he/she has taken by housing it in an appropriate rearing and/or cultivation facility, or by any other method specified by Ordinance of the Ministry of the Environment.
- (10) The Minister of the Environment shall consult with the Minister of Agriculture, Forestry and Fisheries before granting permission under paragraph (1) to take a living individual organism from a designated nationally endangered species of wild fauna or flora for the purpose of breeding or propagation for transfer or delivery in connection with the business set forth in Article 30, paragraph (1) or attaching conditions to said permission pursuant to the provisions of paragraph (4), he/she.

(Order to Take Measures Issued Against a Person Permitted to Engage in the Taking, etc.)

Article 11 (1) Where a recipient of permission under paragraph (1) of the preceding Article violates the provisions of paragraph (9) of said Article or the conditions attached pursuant to the provisions of paragraph (4) of said Article, if either of the circumstances specified in the following items exist for the respective categories of persons who have obtained said permission, the Minister of the Environment may order said persons to improve their rearing

and/or cultivation facilities or to take any other necessary measures:

- (i) a person not prescribed in the following item: if the minister finds it to be necessary for the conservation of the nationally endangered species of wild fauna or flora, etc. ; or
 - (ii) a recipient of the permission set forth in paragraph (1) of the preceding Article to take a living individual organism from a designated nationally endangered species of wild fauna or flora for the purpose of breeding or propagation for transfer or delivery in connection with the business set forth in Article 30, paragraph (1): if the minister finds it to be necessary to contribute to the conservation of endangered species of wild fauna and flora through promotion of the breeding or propagation of individual organisms from the designated nationally endangered species of wild fauna or flora.
- (2) Where a recipient of the permission set forth in paragraph (1) of the preceding Article violates the provisions of this Act or any order issued or disposition made under this Act, if either of the circumstances specified in the following items exist for the respective categories of persons who have obtained the permission set forth therein, the Minister of the Environment may rescind the permission:
- (i) a person not prescribed in the following item: if the minister finds that the violation will impair the conservation of the nationally endangered species of wild fauna or flora, etc. ; or
 - (ii) the person set forth in item (ii) of the preceding paragraph: if the minister finds that the violation will impair contribution to the conservation of endangered species of wild fauna and flora through promotion of the breeding or propagation of individual organisms from the designated nationally endangered species of wild fauna or flora.
- (3) Before issuing an order under the provisions of paragraph (1) against a person set forth in item (ii) of said paragraph or rescinding said person's permission pursuant to the provisions of the preceding paragraph, the Minister of the Environment shall consult with the Minister of Agriculture, Forestry and Fisheries.

(Prohibition of Transfer, etc.)

- Article 12 (1) No person shall transfer or receive a transfer of nor deliver or receive a delivery of (hereinafter collectively referred to as "transfer, etc.") an individual organism, etc. from an endangered species of wild fauna or flora; provided, however, that this shall not apply in any of the following cases:
- (i) where a person obtains the permission set forth in paragraph (1) of the following Article and carries out the transfer, etc. pertaining to said permission;
 - (ii) where a person transfers, etc. an individual organism, etc. from a

- designated nationally endangered species of wild fauna or flora;
- (iii) where a person transfers, etc. any body part from an internationally endangered species of wild fauna or flora or a processed product made from such body part specified by Cabinet Order as a raw material for such products within Japan (hereinafter referred to as a "raw material body part, etc.") or any processed product made from such raw material body part, etc. which satisfies the requirements specified by Cabinet Order in terms of its form, size, or other matters according to the type of the raw material body part, etc. or the processed product made therefrom (hereinafter referred to as a "designated body part, etc.");
 - (iv) where a person transfers, etc. an individual organism from a nationally endangered species of wild fauna or flora, etc. that he/she has taken in the case prescribed under Article 9, item (ii), or any body part from such individual organism, or any processed product made from such individual organism or such body part;
 - (v) where a person transfers, etc. an individual organism, etc. from an internationally endangered species of wild fauna or flora for which the registration set forth in Article 20, paragraph (1) has been obtained or a raw material body part, etc. for which the advance registration certificate set forth in Article 20-3, paragraph (1) has been completed pursuant to the provisions of the main clause of said paragraph;
 - (vi) cases specified by Ordinance of the Ministry of the Environment where either or both of the parties involved in a transfer, etc. of an individual organism, etc. from an endangered species of wild fauna or flora are organs of the Nation or local public entities; or
 - (vii) in addition to what is listed in the preceding items, cases specified by Ordinance of the Ministry of the Environment as those in which a transfer, etc. poses no risk of impeding the conservation of endangered species of wild fauna or flora.
- (2) When the Minister of the Environment intends to establish the Ordinance of the Ministry of the Environment set forth in item (vi) or (vii) of the preceding paragraph, he/she shall consult with the Minister of Agriculture, Forestry and Fisheries and the Minister of Economy, Trade and Industry.

(Permission for a Transfer, etc.)

Article 13 (1) A person shall obtain the permission of the Minister of the Environment to transfer, etc. an individual organism, etc. from an endangered species of wild fauna or flora for the purpose of academic research, breeding, or propagation or for any other purpose specified by Ordinance of the Ministry of the Environment (excluding a person who intends to carry out a transfer, etc. in any of the cases listed in paragraph (1), items (ii) through (vii) of the

preceding Article).

- (2) A person shall apply to the Minister of the Environment for the permission set forth in the preceding paragraph as provided for by Ordinance of the Ministry of the Environment.
- (3) When either of the following reasons exist with regard to the transfer, etc. to which the application set forth in the preceding paragraph pertains, the Minister of the Environment shall not grant permission under paragraph (1):
- (i) the purpose of the transfer, etc. does not conform to any of the purposes prescribed in paragraph (1); or
 - (ii) the transferee or the recipient of delivery is found to be unable to appropriately care for the individual organism, etc. he/she receives by transfer or delivery for the conservation of the species, due to not having an appropriate rearing and/or cultivation facility or based on any other grounds.
- (4) The provisions of Article 10, paragraph (4) shall apply mutatis mutandis to the permission set forth in paragraph (1), the provisions of paragraph (9) of said Article shall apply mutatis mutandis to a person who has received transfer or delivery after obtaining the permission set forth in paragraph (1), and the provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to the enactment, revision, or repeal of the Ordinance of the Ministry of the Environment set forth in paragraph (1). In this case, the phrase "individual organism he/she has taken" in Article 10, paragraph (9) shall be deemed to be replaced with "individual organism, etc. he/she has received by transfer or delivery."

(Order to Take Measures Issued to a Person Permitted to Carry Out a Transfer, etc.)

Article 14 Where a recipient of the permission set forth in paragraph (1) of the preceding Article violates the provisions of Article 10, paragraph (9) as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article or the conditions attached pursuant to the provisions of Article 10, paragraph (4) as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article, if the Minister of the Environment finds it necessary for the conservation of the endangered species of wild fauna or flora, he/she may order said person to improve the rearing and/or cultivation facility or to take any other necessary measures.

(Prohibition of Export and Import)

Article 15 (1) No individual organism, etc. from a nationally endangered species of wild fauna or flora that is not a designated nationally endangered species of wild fauna or flora shall be exported or imported; provided, however, that this shall not apply if the export or import is carried out for the purpose of

academic research involving international cooperation or is otherwise particularly necessary, if it does not impair the conservation of the nationally endangered species of wild fauna or flora in Japan, or if it satisfies any other requirements specified by Cabinet Order.

- (2) A person who intends to export or import an individual organism, etc. from an endangered species of wild fauna or flora which is not designated a nationally endangered species of wild fauna or flora shall bear an obligation to obtain approval for the export or import pursuant to the provisions of Article 48, paragraph (3) or Article 52 of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949).

(Order to Take Measures, etc. Issued to an Illegal Importer)

Article 16 (1) If the Minister of Economy, Trade and Industry finds it to be necessary where an individual organism, etc. from an endangered species of wild fauna or flora which is not designated a nationally endangered species of wild fauna or flora has been imported without approval under the provisions of the Cabinet Order based on the provisions of Article 52 of the Foreign Exchange and Foreign Trade Act,, he/she may order the importer of said individual organism, etc. to return it and designate a facility or other place appropriate for the protection of the individual organism, etc. located within the exporting country or the country of origin.

- (2) If the Minister of the Environment and the Minister of Economy, Trade and Industry find it to be necessary where a person has received transfer of an individual organism, etc. from an endangered species of wild fauna or flora which is not designated a nationally endangered species of wild fauna or flora in violation of the provisions of Article 12, paragraph (1), from a person who has imported said individual organism, etc. without approval under the provisions of the Cabinet Order based on the provisions of Article 52 of the Foreign Exchange and Foreign Trade Act, with knowledge that said individual organism, etc. has been imported without said approval, they may order the person who has received the transfer to return the individual organism, etc. , and designate a facility or other place appropriate for the protection of the individual organism, etc. located within the exporting country or the country of origin.

- (3) Where the Minister of Economy, Trade and Industry has issued an order under the provisions of paragraph (1) or the Minister of the Environment and the Minister of Economy, Trade and Industry have issued an order under the provisions of the preceding paragraph, if the person who has received the order fails to return the individual organism, etc. as ordered, the Minister of Economy, Trade and Industry, or the Minister of the Environment and the Minister of Economy, Trade and Industry (collectively referred to as the

"Minister of Economy, Trade and Industry, etc." in Article 52) may return the individual organism, etc. to the facility or other place prescribed in the preceding two paragraphs himself/herself and have said person bear all or part of the costs incurred.

(Prohibition of Display)

Article 17 An individual organism, etc. from an endangered species of wild fauna or flora shall not be displayed for the purpose of sale or distribution; provided, however, that this shall not apply to the display of an individual organism, etc. from a designated nationally endangered species of wild fauna or flora, a designated body part, etc. , an individual organism from a nationally endangered species of wild fauna or flora, etc. taken in the case set forth in Article 9, item (ii), or any body part of such individual organism or processed product made from such individual organism or body part, an individual organism, etc. from an internationally endangered species of wild fauna or flora for which the registration set forth in Article 20, paragraph (1) has been obtained, or the raw material body part, etc. pertaining to the advance registration certificate set forth in Article 20-3, paragraph (1) that has been completed pursuant to the provisions of the main clause of said paragraph, or to cases specified by Ordinance of the Ministry of the Environment wherein display poses no risk of impeding the conservation of the endangered species of wild fauna or flora.

(Order to Take Measures Issued to a Person Displaying an Individual Organism, etc.)

Article 18 The Minister of the Environment may order a person who is displaying an individual organism, etc. from an endangered species of wild fauna or flora in violation of the provisions of the preceding Article to cease such display or order any other necessary matters to secure the observance of the provisions of said Article.

(Collection of Reports and On-Site Inspections)

Article 19 (1) The ministers listed in the following items may, to the extent necessary for the enforcement of this Act, request the persons prescribed respectively in such items to report on the status of the treatment of an individual organism, etc. from an endangered species of wild fauna or flora, or have ministry officials enter a facility related to the taking of an individual organism or the transfer, etc. , import, or display of an individual organism, etc from an endangered species of wild fauna or flora and inspect the individual organism, etc. , the rearing and/or cultivation facility, documents, or any other articles or ask questions to persons concerned:

- (i) the Minister of the Environment: a recipient of the permission set forth in Article 10, paragraph (1) or Article 13, paragraph (1) or a person who is displaying an individual organism, etc. from an endangered species of wild fauna or flora for the purpose of sale or distribution;
 - (ii) the Minister of the Environment and the Minister of Economy, Trade and Industry: a person who has received transfer of an imported individual organism, etc. from an endangered species of wild fauna or flora which is not designated as a nationally endangered species of wild fauna or flora; and
 - (iii) the Minister of Economy, Trade and Industry: a person who has imported an individual organism, etc. from an endangered species of wild fauna or flora which is not designated as a nationally endangered species of wild fauna or flora.
- (2) An official who carries out an on-site inspection under the provisions of the preceding paragraph shall carry an identification card and present it to persons concerned.
- (3) The authority under the provisions of paragraph (1) shall not be construed to extend to criminal investigations.

Section 3 Registration, etc. of Individual organisms, etc. of Internationally Endangered Species of Wild Fauna and Flora

(Registration of an Individual Organism, etc.)

- Article 20 (1) A possessor having legitimate title to an individual organism, etc. from an internationally endangered species of wild fauna or flora which has been bred or propagated for a commercial purpose, any body part of such individual organism, or any processed product made from such individual organism or such body part, or who satisfies any other requirements designated by Cabinet Order (hereinafter referred to as "registration requirements" in this Chapter) (excluding a designated body part, etc.) may obtain registration for the individual organism, etc. from the Minister of the Environment.
- (2) A person who intends to obtain the registration set forth in the preceding paragraph (hereinafter referred to as "registration" in this Section and in Article 59, items (iii), excluding paragraphs (1) and (2) of the following Article and paragraphs (1) and (2) of Article 23) shall apply to the Minister of the Environment for the registration, as provided for by Ordinance of the Ministry of the Environment.
- (3) When the Minister of the Environment effects registration, he/she shall issue, to the person who applied for the registration, a registration card as provided for by Ordinance of the Ministry of the Environment.
- (4) A possessor having legitimate title to an individual organism, etc. of an

internationally endangered species of wild fauna or flora for which registration has been obtained may, if he/she loses the registration card set forth in the preceding paragraph (hereinafter referred to as the "registration card") pertaining to said individual organism, etc. or if the registration card is destroyed, apply to the Minister of the Environment and receive reissuance of the registration card, as provided for by Ordinance of the Ministry of the Environment.

- (5) The provisions of Article 12, paragraph (2) shall apply mutatis mutandis to the enactment, revision, or repeal of the Ordinance of the Ministry of the Environment set forth in paragraph (2).

(Advance Registration of a Raw Material Body Part, etc.)

Article 20-2 (1) A person who intends to transfer or deliver raw material body parts, etc. (excluding designated body parts, etc.) that satisfy the registration requirements in an annual number which exceeds the amount designated by Cabinet Order may register with the Minister of the Environment in advance with regard to the types of the raw material body parts, etc. to be transferred or delivered, the quantity thereof, the source of the acquisition thereof, and any other matters specified by Ordinance of the Ministry of the Environment. However, this shall not apply to a person who falls under either of the following items:

- (i) a person who has been sentenced to punishment for committing an offense prescribed in this Act for whom two years have yet to elapse from the day on which the person served out the sentence or ceased to be subject to the sentence; or
- (ii) a person for whom two years have yet to elapse from the day on which he/she received an order to return advance registration certificates under the provisions of paragraph (6) of the following Article.
- (2) A person who intends to register under the preceding paragraph (hereinafter referred to as "advance registration" in this Section and Article 59, items (iii) and (iv)) shall apply to the Minister of the Environment for advance registration, as provided by Ordinance of the Ministry of the Environment.
- (3) When the Minister of the Environment carries out advance registration, he/she shall issue, to the advance registration applicant, a number of advance registration certificates equal to the number of raw material body parts, etc. to which the advance registration pertains as provided by Ordinance of the Ministry of the Environment.
- (4) The provisions of paragraph (5) of the preceding Article shall apply mutatis mutandis to enactment, revision, or repeal of the Ordinance of the Ministry of the Environment set forth in paragraph (2).

(Matters to be Observed by a Recipient of Advance Registration, etc.)

- Article 20-3 (1) When a recipient of advance registration transfers or delivers raw material body parts, etc. which conform to the matters contained in the advance registration, he/she shall, as provided by Ordinance of the Ministry of the Environment, fill in the necessary information in the advance registration certificate set forth in paragraph (3) of the preceding Article (hereinafter referred to as the "advance registration certificate" in this Section and Article 59, item (iv)) for each raw material body part, etc. to be transferred or delivered, and attach it to the raw material body part, etc. ; provided, however, that the person shall not complete the advance registration certificate on or after the day on which one year has elapsed from the day on which the advance registration was obtained.
- (2) Every three months, a recipient of advance registration shall, as provided for by Ordinance of the Ministry of the Environment, report necessary information concerning the raw material body parts, etc. to which the advance registration pertains that were transferred or delivered during that period to the Minister of the Environment.
- (3) A recipient of advance registration shall, when one year has elapsed from the day on which the advance registration was obtained, return to the Minister of the Environment any advance registration certificates he/she did not use pursuant to the provisions of the main clause of paragraph (1) during that period, as provided by Ordinance of the Ministry of the Environment.
- (4) If the Minister of the Environment finds it to be necessary where a recipient of advance registration completes an advance registration certificate as provided in the main clause of paragraph (1) for a raw material body part, etc. with information which does not correspond to the information contained in the advance registration or with false information, or violates the provisions of paragraphs (1) through (3) of the following Article or Article 22, paragraph (1) with regard to any raw material body part, etc. to which the advance registration or advance registration certificate pertains, he/she may prohibit said person from completing an advance registration certificate pursuant to the provisions of the main clause of paragraph (1) for a period specified by the Minister not exceeding three months.
- (5) When a recipient of advance registration falls under paragraph (1), item (i) of the preceding Article, the Minister of the Environment shall order said person to return the advance registration certificates to which the advance registration pertains.
- (6) If the Minister of the Environment finds it to be necessary where a recipient of advance registration violates an order under the provisions of paragraph (4), he/she may order said person to return the advance registration certificates to which the advance registration pertains for which said order was issued.

(7) The Minister of the Environment may, to the extent necessary for the enforcement of the provisions of this Article, request a recipient of advance registration to make necessary reports.

(Management, etc. of Registered Individual Organisms, etc. and Registration Cards, etc.)

Article 21 (1) When displaying, for the purpose of sale or distribution, an individual organism, etc. from an internationally endangered species of wild fauna or flora for which registration or advance registration (hereinafter collectively referred to as "registration, etc." in this Chapter) has been obtained, said individual organism, etc. shall be accompanied by its relevant registration card or advance registration certificate completed pursuant to the provisions of the main clause of paragraph (1) of the preceding Article (hereinafter collectively referred to as the "registration card, etc." in this Chapter).

(2) An individual organism, etc. from an internationally endangered species of wild fauna or flora for which registration, etc. has been obtained shall be transferred, etc. together with its relevant registration card, etc.

(3) A registration card, etc. shall only be transferred, etc. together with the individual organism, etc. from an internationally endangered species of wild fauna or flora to which it pertains.

(4) A person who has received transfer or delivery of an individual organism, etc. from an internationally endangered species of wild fauna or flora to which registration, etc. (excluding a person who has received, from a recipient of advance registration, transfer or delivery of a raw material body part, etc. to which advance registration pertains together with an advance registration certificate pertaining to said raw material body part, etc. that has been completed pursuant to the provisions of the main clause of paragraph (1) of the preceding Article) pertains shall, as provided by Ordinance of the Ministry of the Environment, notify the Minister of the Environment to that effect by the day on which thirty days (for a person who has received a transfer or delivery of the raw material body part, etc. to which advance registration pertains: three months) have elapsed from the day of receipt of the transfer or delivery.

(Return, etc. of the Registration Card, etc.)

Article 22 (1) When the holder of a registration card, etc. (in the cases set forth in item (ii), the found registration card) falls under either of the following items, he/she shall return the registration card, etc. to the Minister of the Environment within thirty days from the day he/she comes to fall under such item in the case of a registration card, or within three months from the day he/she comes to fall under such item in the case of an advance registration certificate:

- (i) where the holder no longer possesses the individual organism etc. from an internationally endangered species of wild fauna or flora to which the registration card, etc. pertains (excluding cases in which the holder has transferred or delivered the individual organism, etc. from an internationally endangered species of wild fauna or flora together with its registration card, etc.); or
 - (ii) where the holder finds the lost registration card after it is reissued under Article 20, paragraph (4).
- (2) The provisions of Article 20, paragraph (4) shall apply mutatis mutandis where the possessor of an individual organism, etc. from an internationally endangered species of wild fauna or flora for which registration has been obtained returns the registration card to the Minister of the Environment as a result of the circumstances described in item (i) of the preceding paragraph upon having lost said individual organism, etc. due to theft or based on other grounds, but subsequently finds the individual organism, etc.

(Registration Organization)

- Article 23 (1) If there is any recipient of registration from the Minister of the Environment with regard to the affairs prescribed from Article 20 through the preceding Article (excluding Article 20-3, paragraphs (4) through (7); the same shall apply in paragraph (7)) (hereinafter referred to as "registration-related affairs") related to the individual organisms, etc. designated by Ordinance of the Ministry of the Environment (such recipient shall hereinafter be referred to as a "registration organization"), the Minister of the Environment shall, as provided by Ordinance of the Ministry of the Environment, have such registration organization carry out said affairs.
- (2) The registration set forth in the preceding paragraph (hereinafter referred to as "organization registration" in this Section) shall be carried out by way of application by the person who intends to carry out registration-related affairs.
- (3) A person who falls under any of the following items may not obtain organization registration:
- (i) a person who has been sentenced to punishment for committing an offense prescribed in this Act for whom two years have yet to elapse from the day on which the person served out the sentence or ceased to be subject to the sentence;
 - (ii) a person whose organization registration has been rescinded pursuant to the provisions of Article 26, paragraph (4) or (5), for whom two years have yet to elapse from the day of said rescission; or
 - (iii) a juridical person where any of the members of the board which carries out its business activities falls under either of the preceding two items.
- (4) When a person who has applied for organization registration (hereinafter

referred to as an "organization registration applicant" in this paragraph) conforms to all of the following items, the Minister of the Environment shall carry out the organization registration. In this case, the necessary procedures for the organization registration shall be specified by Ordinance of the Ministry of the Environment:

- (i) persons who have the necessary foreign language ability to implement registration-related affairs who are set forth in (a) and (b) below where there are two or more such persons:
 - (a) persons who have graduated from a university or a college of technology under the Education in Schools Act (Act No. 26 of 1947) after completing the necessary courses concerning biology or the classification of animals and/or plants, or persons who have the equivalent or greater academic ability and a total of three years or more of practical experience concerning the classification of fauna and flora; and
 - (b) persons who have graduated from a university or a college of technology under the Education in Schools Act after completing the necessary courses concerning agriculture, the breeding of animals and/or propagation of plants, or persons who have the equivalent or greater academic ability and a total of three years or more of practical experience concerning the breeding of animals and/or the propagation of plants; and
- (ii) where neither of the following applies to the organization registration applicant:
 - (a) where the organization registration applicant is a stock company whose parent company (meaning a parent company as prescribed in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005); the same shall apply hereinafter) is a person who transfers, etc. or displays animals and/or plants as a business (referred to as an "animal and/or plant transfer business operator, etc." in (b) below); or
 - (b) where any board members or officers of the organization registration applicant are board members or officers of an animal and/or plant transfer business operator, etc. (including persons who have been board members or officers of a animal and/or plant transfer business operator, etc. within the past two years).
- (5) Organization registration shall be carried out by entering the following matters in the registration organization registry:
 - (i) the organization registration date and number;
 - (ii) the name and address of the person who obtained the organization registration (in the case of a juridical person, its name, the name of its representative person, and the location of its principal office); and
 - (iii) in addition to what is listed in the preceding two items, matters specified by Ordinance of the Ministry of the Environment.

- (6) When the Minister of the Environment carries out organization registration, he/she shall not carry out registration-related affairs concerning individual organisms, etc. to which such organization registration pertains.
- (7) With regard to the application of the provisions of Article 20 through the preceding Article where a registration organization carries out registration-related affairs, the term "Minister of the Environment" in these provisions shall be deemed to be replaced with "registration organization."

(Matters to be Observed by a Registration Organization, etc.)

Article 24 (1) When a registration organization is requested to implement registration-related affairs, it shall do so without delay unless justifiable grounds exist.

- (2) A registration organization shall implement registration-related affairs fairly and in accordance with the method specified by Ordinance of the Ministry of the Environment.
- (3) When a registration organization intends to change the location of the office where it carries out registration-related affairs, the registration organization shall notify the Minister of the Environment at least two weeks prior to the day of such change.
- (4) Prior to commencing registration-related affairs, a registration organization shall, as provided by Ordinance of the Ministry of the Environment, establish rules concerning the implementation of registration-related affairs and obtain the authorization of the Minister of the Environment. The same shall apply when a registration organization intends to amend said rules.
- (5) A registration organization shall, within three months of the end of each business year, prepare an inventory of assets, a balance sheet, and a profit and loss or income and expenditure statement, and a business report (where electromagnetic records (meaning records made in an electronic form, a magnetic form, or any other form not recognizable to human perception used in information processing by computers; the same shall apply hereinafter) are prepared in lieu of hard copies, said electromagnetic records shall be included; hereinafter collectively referred to as "financial statements, etc.") for said business year, and shall keep them at the registration organization's office for five years.
- (6) A person who intends to obtain registration or any other interested person may make the following requests at any time during the office hours of the registration organization; provided, however, that such person shall pay the fee specified by the registration organization when making a request set forth in item (ii) or (iv):
 - (i) when the financial statements, etc. are prepared in the form of hard copies, a request to view or copy said documents;

- (ii) a request for a transcript of or extract from the documents set forth in the preceding item;
 - (iii) when the financial statements, etc. are prepared in the form of electromagnetic records, a request to view or copy information recorded in said electromagnetic records displayed by the method specified by Ordinance of the Ministry of the Environment; or
 - (iv) a request for information recorded in the electromagnetic records set forth in the preceding item to be provided by an electromagnetic method specified by Ordinance of the Ministry of the Environment or a request for delivery of a hard copy containing said matters.
- (7) As provided by Ordinance of the Ministry of the Environment, a registration organization shall enter registration-related information specified by Ordinance of the Ministry of the Environment into books, and shall preserve said books.
- (8) A registration organization shall not interrupt or abolish all or part of the registration-related affairs without obtaining the permission of the Minister of the Environment.
- (9) When a registration organization has interrupted all or part of the registration-related affairs after obtaining the permission set forth in the preceding paragraph, when the Minister of the Environment has ordered a registration organization to suspend all or part of the registration-related affairs pursuant to the provisions of Article 26, paragraph (5), or when it has become difficult for a registration organization to implement all or part of the registration-related affairs due to natural disaster or any other reason, if the Minister of the Environment finds it to be necessary, he/she shall carry out all or part of said registration-related affairs himself/herself.
- (10) With regard to cases in which the Minister of the Environment carries out all or part of the registration-related affairs himself/herself pursuant to the provisions of the preceding paragraph, cases in which a registration organization abolishes all or part of the registration-related affairs after obtaining the permission set forth in paragraph (8), or cases in which the Minister of the Environment has rescinded organization registration pursuant to the provisions of Article 26, paragraph (4) or (5), the succession to registration-related affairs and other necessary matters shall be specified by Ordinance of the Ministry of the Environment.

(Obligation of Confidentiality, etc.)

- Article 25 (1) Current or former members of the board and officers of a registration organization shall not divulge any confidential information they learn with regard to the registration organization's registration-related affairs.
- (2) With regard to the application of the Penal Code (Act No. 45 of 1907) and any

other penal provisions, a member of the board or officer of a registration organization who engages in registration-related affairs shall be deemed to be an official engaged in public service pursuant to laws and regulations.

(Order to Conform Issued to a Registration Organization, etc.)

Article 26 (1) When the Minister of the Environment finds that a registration organization no longer conforms to either of the items under Article 23, paragraph (4), he/she may order the registration organization to take necessary measures to conform to said provisions.

(2) When the Minister of the Environment finds that a registration organization is in violation of the provisions of Article 24, paragraph (1) or (2), he/she may order the registration organization to implement registration-related affairs or to take necessary measures to improve the method of carrying out registration-related affairs.

(3) When the Minister of the Environment finds that the rules set forth in Article 24, paragraph (4) have become inappropriate for fairly implementing registration-related affairs, he/she may order that the rules be amended.

(4) When a registration organization falls under Article 23, paragraph (3), item (i) or (iii), the Minister of the Environment shall rescind the organization registration.

(5) When a registration organization falls under any of the following items, the Minister of the Environment may rescind the organization registration or order the registration organization to suspend all or part of the registration-related affairs for a period specified by the minister:

(i) when the registration organization violates the provisions of Article 24, paragraphs (3) through (5), (7), or (8);

(ii) when the registration organization implements registration-related affairs in a manner that does not conform to the rules set forth in Article 24, paragraph (4);

(iii) when the registration organization refuses a request under the provisions of the items of Article 24, paragraph (6) without justifiable grounds;

(iv) when the registration organization violates an order under the provisions of paragraphs (1) through (3); or

(v) when the registration organization obtains organization registration by wrongful means.

(Collection of Reports and Onsite Inspections)

Article 27 (1) The Minister of the Environment may, to the extent necessary for the enforcement of the provisions of this Section, request a registration organization to report on registration-related affairs or have ministry officials enter an office of the registration organization and inspect its books,

documents, or other articles or question the persons concerned.

- (2) Officials who carry out onsite inspections under the provisions of the preceding paragraph shall carry identification cards and present them to the persons concerned.
- (3) The authority under the provisions of paragraph (1) shall not be construed to extend to criminal investigations.

(Appeal of a Disposition, etc. by a Registration Organization)

Article 28 Any person dissatisfied with a disposition or inaction pertaining to registration-related affairs by a registration organization may file a request for examination under the Administrative Appeal Act (Act No. 160 of 1962) with the Minister of the Environment.

(Public Notice)

Article 28-2 In any of the following cases, the Minister of the Environment shall provide public notice in the official gazette:

- (i) when organization registration is granted;
- (ii) when notification under the provisions of Article 24, paragraph (3) is given;
- (iii) when permission under the provisions of Article 24, paragraph (8) is given;
- (iv) when the Minister of the Environment intends to carry out all or part of the registration-related affairs himself/herself pursuant to the provisions of Article 24, paragraph (9), or when he/she intends not to carry out all or part of the registration-related affairs which he/she had originally carried out himself/herself; or
- (v) when organization registration is rescinded pursuant to the provisions of Article 26, paragraph (4) or (5), or when suspension of all or part of the registration-related affairs is ordered pursuant to the provisions of said paragraph.

(Fees)

Article 29 (1) The following persons shall pay a fee specified by Cabinet Order in light of the actual cost to the nation (where a registration organization carries out the registration-related affairs, to the registration organization):

- (i) a person who intends to obtain registration, etc. ; and
 - (ii) a person who intends to obtain reissuance of registration, etc.
- (2) A fee paid to a registration organization pursuant to the provisions of the preceding paragraph shall be treated as income of the registration organization.

**Section 4 Regulation of Businesses Dealing with Designated Nationally
and Internationally Designated Endangered Species
Subsection 1 Regulation of Businesses Dealing with Designated**

Nationally Endangered Species

(Notification of a Business Dealing with Designated Nationally Endangered Species)

Article 30 (1) A person (excluding a person prescribed in the following paragraph) who intends to engage in a business that involves the transfer or delivery of any individual organism, etc. from a designated nationally endangered species of wild fauna or flora (hereinafter referred to as a "business dealing with designated nationally endangered species" in this Section and Article 62, item (ii)) shall notify the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries of the following matters in advance:

- (i) the name and address, and in the case of a juridical person, the name of the representative person thereof;
 - (ii) the name and location of the facility for carrying out the transfer or delivery of the individual organism, etc. from a designated nationally endangered species of wild fauna or flora;
 - (iii) the designated nationally endangered species of wild fauna or flora subject to transfer or delivery; and
 - (iv) in addition to what is listed in the preceding three items, the matters specified by Ordinances of the Ministry of the Environment and of the Ministry of Agriculture, Forestry and Fisheries.
- (2) A person who intends to engage in a business activity in connection with a designated nationally endangered species which is involved in the making of a processed product shall notify the Minister of the Environment and the minister specified by Cabinet Order according to the type of processed product (hereinafter referred to as the "minister concerned with the designated nationally endangered species" in this Section) of the following matters:
- (i) the matters listed in items (i) through (iii) of the preceding paragraph; and
 - (ii) in addition to what is set forth in the preceding item, the matters specified by order issued by the Minister of the Environment and the minister concerned with the designated nationally endangered species.
- (3) A person who has provided notification under the provisions of paragraph (1) shall, in the event of a change in any matter to which said notification pertains or when having terminated the business activity in relation to the designated nationally endangered species, notify the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries within thirty days from the day of such change or termination.
- (4) In addition to what is provided in paragraph (1) and the preceding paragraph, necessary matters concerning notification under these provisions shall be specified by Ordinance of the Ministry of the Environment and of the Ministry

of Agriculture, Forestry and Fisheries.

- (5) The provisions of paragraph (3) shall apply mutatis mutandis to a person who has provided notification under the provisions of paragraph (2), and the provisions of the preceding paragraph shall apply mutatis mutandis to notification under the provisions of paragraph (2). In this case, the term "Minister of Agriculture, Forestry and Fisheries" in paragraph (3) shall be deemed to be replaced with "minister related to the designated nationally endangered species," and the phrase "Ordinance of the Ministry of the Environment and Ordinance of the Ministry of Agriculture, Forestry and Fisheries" in the preceding paragraph shall be deemed to be replaced with "order issued by the Minister of the Environment and the minister concerned with the designated nationally endangered species."

(Matters to be Observed by a Person Engaging in a Business in Connection with a Designated Nationally Endangered Species)

Article 31 (1) After providing notification under the provisions of paragraph (1) of the preceding Article when receiving transfer or delivery of an individual organism, etc. from a designated nationally endangered species of wild fauna or flora in connection with a business in relation to said designated nationally endangered species, the person engaging in said business activity shall confirm the name and address of the transferor or deliverer of the individual organism, etc. , and if the transferor or deliverer is a juridical person, the name of the representative person thereof, as well as ask the transferor or the deliverer about the following matters:

- (i) whether the individual organism, etc. is a bred or propagated individual organism, a body part of such individual organism, or a processed product made from such individual organism or such a body part thereof (referred to as a "bred or propagated individual organism, etc." in the following item) or a captured or collected individual organism, a body part of such individual organism, or a processed product made from such individual organism or such body part (referred to as a "captured or collected individual organism, etc." in item (iii));
 - (ii) if the individual organism, etc. is a bred or propagated individual organism, etc. , the name and address of the person who bred or propagated the individual organism, etc. , and in the case of a juridical person, the name of the representative person thereof; and
 - (iii) if the individual organism, etc. is a captured or collected individual organism, etc. , the place where the individual organism, etc. was captured or collected, and the name and address of the person who captured or collected the individual organism, etc.
- (2) A person who engages in a business activity in connection with a designated

nationally endangered species after providing notification under the provisions of paragraph (1) of the preceding Article shall, as provided by Ordinance of the Ministry of the Environment and of the Ministry of Agriculture, Forestry and Fisheries, enter the matters confirmed or inquired about pursuant to the provisions of the preceding paragraph and other matters concerning the transfer, etc. of the individual organism, etc. of the designated national endangered species of wild fauna or flora in a document, and preserve said document.

- (3) The provisions of the preceding two paragraphs shall apply *mutatis mutandis* to a person engaging in a business activity in relation to a designated national endangered species after providing notification under the provisions of paragraph (2) of the preceding Article. In this case, the phrase "Ordinance of the Ministry of the Environment and of the Ministry of Agriculture, Forestry and Fisheries" in the preceding paragraph shall be deemed to be replaced with "order issued by the Minister of the Environment and the minister concerned with the designated nationally endangered species."

(Instructions Given to a Person Engaging in a Business Activity in connection with a Designated Nationally Endangered Species, etc.)

Article 32 (1) Where a person engaging in a business activity in connection with a designated nationally endangered species provides notification under the provisions of Article 30, paragraph (1) and subsequently violates the provisions of paragraph (1) or (2) of the preceding Article, the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries may instruct said person on matters necessary to secure compliance with said provisions where they find it necessary to regulate said business activity in order to contribute to the conservation of endangered species of wild fauna and flora.

- (2) Where a person engaging in a business activity in connection with a designated nationally endangered species provides notification under the provisions of Article 30, paragraph (1) and subsequently violates instructions given under the preceding paragraph, the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries may order said person to suspend all or part of the transfer or delivery operations in relation to the individual organisms, etc. from a designated nationally endangered species of wild fauna or flora to which said business activity pertains for a period specified by the ministers, not to exceed three months, where they find that the violation will impair the conservation of such endangered species of wild fauna or flora accomplished by regulating said business activities.
- (3) The provisions of the preceding two paragraphs shall apply *mutatis mutandis* to a person who engages in a business activity in connection with a designated

nationally endangered species after providing notification under the provisions of Article 30, paragraph (2). In this case, the term "Minister of Agriculture, Forestry and Fisheries" in the preceding two paragraphs shall be deemed to be replaced with "minister relevant to the designated nationally endangered species," and the phrase "paragraph (1) or (2) of the preceding Article" in paragraph (1) shall be deemed to be replaced with "paragraph (1) or (2) of the preceding Article as applied mutatis mutandis pursuant to paragraph (3) of said Article."

(Collection of Reports and Onsite Inspections)

Article 33 (1) The Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries may, to the extent necessary for the enforcement of the provisions of this Section, request a person engaged in a business activity in connection with a designated nationally endangered species who has provided notification under the provisions of Article 30, paragraph (1) to report on said business activity or have ministry officials enter a facility used to carry out said business activity to inspect documents and other articles and question persons concerned.

(2) The provisions of the preceding paragraph shall apply mutatis mutandis to a person who engages in a business activity in connection with a designated nationally endangered species after providing notification under the provisions of Article 30, paragraph (2). In this case, the term "Minister of Agriculture, Forestry and Fisheries" in the preceding paragraph shall be deemed to be replaced with "minister relevant to the designated nationally endangered species."

(3) An official carrying out an onsite inspection under the provisions of paragraph (1) (including where applied mutatis mutandis pursuant to the preceding paragraph; the same shall apply in the following paragraph) shall carry an identification card and present it to persons concerned.

(4) The authority under the provisions of paragraph (1) shall not be construed to extend to criminal investigations.

Subsection 2 Regulation of Business Activities in Connection with Designated Internationally Endangered Species

(Notification of Business Activities in Connection with Designated Internationally Endangered Species)

Article 33-2 A person who intends to engage in business that is specified by Cabinet Order in consideration of the terms, etc. of transactions, and that involves the transfer or delivery of any designated body part, etc. that satisfies the requirements in terms of its form, size, or any other matters that are

specified by Cabinet Order according to the type of the designated body part, etc. (hereinafter referred to as a "business activity in connection with a designated internationally endangered species" in this Chapter and Article 62, item (ii)) shall notify the Minister of the Environment and the minister specified by Cabinet Order for the type of designated body part, etc. (hereinafter referred to as the "minister relevant to the designated internationally endangered species" in this Chapter) of the following matters in advance:

- (i) the person's name and address, and in the case of a juridical person, the name of the representative person thereof;
- (ii) the name and location of the facility where transfer or delivery of the designated body part, etc. is carried out;
- (iii) the type of designated body part, etc. subject to transfer or delivery; and
- (iv) in addition to what is listed in the preceding three items, the matters specified by order of the Minister of the Environment and the minister relevant to the designated internationally endangered species.

(Matters to be Observed by a Person Engaging in a Business Activity in connection with Designated Internationally Endangered Species)

Article 33-3 (1) A person who engages in a business activity in connection with a designated internationally endangered species after providing notification under the provisions of the preceding Article shall, when receiving transfer or delivery of a designated body part, etc. in connection with said business activity related to said designated international endangered species, confirm the name and address of the transferor or the deliverer of the specified body part, etc. and the name of the representative person if said transferor or deliverer is a juridical person and ask the transferor or the deliverer about the source of said designated body part, etc. if the manifest set forth in Article 33-6, paragraph (1) is not attached to it.

(2) A person who engages in a business activity related to a designated internationally endangered species after providing notification under the provisions of the preceding Article shall, as provided by an order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species, record matters confirmed or inquired about pursuant to the provisions of the preceding paragraph and other matters concerning the transfer, etc. of the designated body part, etc. in a document, and shall preserve said document.

(Instructions, etc. Given to a Person who Engages in a Business Activity in connection with a Designated Internationally Endangered Species)

Article 33-4 (1) Where a person engaged in a business activity in connection with

a designated internationally endangered species after providing notification under the provisions of Article 33-2 violates the provisions of the preceding Article, the Minister of the Environment and the minister relevant to the designated internationally endangered species may instruct said person on matters necessary to secure the observance of the provisions of said Article where they find it necessary in order to conserve the endangered species of wild fauna or flora by regulating business activities in connection with said designated internationally endangered species.

- (2) Where a person engaged in a business activity in connection with a designated internationally endangered species after providing notification under the provisions of Article 33-2 violates instructions given under the preceding paragraph, the Minister of the Environment and the minister relevant to the designated internationally endangered species may order said person to suspend all or part of the transfer or delivery operations in relation to the designated body part, etc. where they find that the violation will impair the conservation of the endangered species of wild fauna or flora via regulation of the business activity in connection with the designated internationally endangered species for a period specified by the ministers not to exceed three months.

(Application Mutatis Mutandis)

Article 33-5 The provisions of Article 30, paragraph (3) shall apply mutatis mutandis to a person who has provided notification under the provisions of Article 33-2, the provisions of Article 30, paragraph (4) shall apply mutatis mutandis to notification under the provisions of Article 33-2, and the provisions of Article 33, paragraphs (1), (3), and (4) shall apply mutatis mutandis to a business activity in connection with a designated internationally endangered species. In this case, the terms "business activity in connection with a designated nationally endangered species" and "Minister of Agriculture, Forestry and Fisheries" in Article 30, paragraph (3) shall be deemed to be replaced with "business activity in connection with a designated internationally endangered species" and "minister relevant to the designated internationally endangered species," respectively, the phrase "Ordinance of the Ministry of the Environment and Ordinance of the Ministry of Agriculture, Forestry and Fisheries" in paragraph (4) of said Article shall be deemed to be replaced with "order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species," and the term "Minister of Agriculture, Forestry and Fisheries" in Article 33, paragraph (1) shall be deemed to be replaced with "minister related to the designated internationally endangered species."

Section 5 Certification that Products are Manufactured from a Properly Acquired Raw Material, etc.

(Preparation and Handling of a Manifest)

Article 33-6 (1) Where a person who engages in a business activity in connection with a designated internationally endangered species after providing notification under the provisions of Article 33-2 falls under any of the cases set forth in the following items with regard to said business activity, he/she may prepare a manifest containing necessary information concerning the processes, etc. by which the designated body part, etc. (limited to a designated body part, etc. used as a raw material in a product set forth in paragraph (1) of the following Article) was acquired, as provided by order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species:

- (i) where the person transfers or delivers a designated body part, etc. of which a portion was obtained by dividing a raw material body part, etc. received by transfer or a delivery together with the registration label, etc. pertaining to the individual organism, etc. ;
 - (ii) where the person delivers a designated body part, etc. obtained by dividing a designated body part, etc. received by transfer or a delivery together with the manifest, etc. pertaining to the designated body part, etc. ; or
 - (iii) in addition to what is listed in the preceding two items, cases specified by order of the Minister of the Environment and the minister relevant to the designated internationally endangered species as those in which it is clear that the designated body part, etc. to be transferred or delivered satisfies the registration requirements.
- (2) Where the manifest set forth in the preceding paragraph has been prepared, the designated body part, etc. shall be transferred or delivered together with said manifest.
- (3) The manifest set forth in paragraph (1) shall be transferred or delivered together with the designated body part, etc. to which it pertains.
- (4) Where a person engaged in a business activity in connection with a designated internationally endangered species prepares the manifest set forth in paragraph (1) in a case that is not set forth in the items under said paragraph, or includes false information in said manifest, the Minister of the Environment and the minister relevant to the designated internationally endangered species may prohibit said person from preparing a manifest under the provisions of said paragraph for a period specified by the ministers not exceeding three months.

(Certification that a Product is Manufactured from a Properly Acquired Raw

Material)

- Article 33-7 (1) The Minister of the Environment and the minister relevant to the designated internationally endangered species may, based on an application by the manufacturer of a product specified by Cabinet Order which is manufactured using a raw material body part, etc. (excluding a product for which registration, etc. can be obtained), certify that said product has been manufactured using a raw material body part, etc. that satisfies the registration requirements.
- (2) The certification set forth in the preceding paragraph may be granted only in the following cases:
- (i) where the applicant received transfer or delivery of the designated body part, etc. used as a raw material in the product together with a manifest prepared pursuant to the provisions of paragraph (1) of the preceding Article
 - (ii) where the applicant received transfer or delivery of the raw material body part, etc. used as a raw material in the product together with a registration card, etc. pertaining to it; or
 - (iii) in addition to the cases set forth in the preceding two items, cases specified by order of the Minister of the Environment and the minister relevant to the designated internationally endangered species in which it is clear that the raw material body part, etc. , used as a raw material in the product, satisfies the registration requirements.
- (3) When the Minister of the Environment and the minister relevant to the designated internationally endangered species have granted the certification set forth in paragraph (1), they shall, as provided by an order issued by the Minister of the Environment and the minister related to the designated internationally endangered species, issue a seal for each product pertaining to the application, indicating that the certification set forth in said paragraph has been granted for said product.
- (4) The seal set forth in the preceding paragraph shall not be attached to any goods other than the product for which the certification pertaining to said seal has been granted.
- (5) In addition to what is provided for in the preceding paragraphs, necessary matters concerning the certification set forth in paragraph (1) and the seal set forth in paragraph (3) shall be specified in an order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species.

(Certifying Organization)

- Article 33-8 (1) If there is any recipient of registration from the Minister of the Environment and the minister relevant to the designated internationally endangered species, with regard to the affairs (hereinafter referred to as

"certification-related affairs") of the Minister of the Environment and the minister relevant to the designated internationally endangered species prescribed in the preceding Article (such person shall hereinafter be referred to as a "certifying organization"), the Minister of the Environment and the minister relevant to the designated internationally endangered species shall, as provided for by order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species, have such certifying organization carry out said affairs.

(2) The registration set forth in the preceding paragraph (hereinafter referred to as "organization registration" in this Section) shall be carried out via an application by the person intending to carry out certification-related affairs.

(3) A person who falls under any of the following items may not obtain organization registration:

(i) a person who has been sentenced to punishment for committing an offense under this Act, for whom two years have yet to elapse from the day on which the person served out or ceased to be subject to such sentence;

(ii) a person whose organization registration has been rescinded pursuant to the provisions of Article 33-11, paragraph (4) or (5), for whom two years have yet to elapse from the day of said rescission; or

(iii) a juridical person with regard to which any member of the board which carries out its business falls under one of the preceding two items.

(4) When a person who has applied for organization registration (hereinafter referred to as an "organization registration applicant" in this paragraph) conforms to all of the following items, the Minister of the Environment and the minister relevant to the designated internationally endangered species shall carry out the organization registration. In this case, the necessary procedures for the organization registration shall be specified in an order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species:

(i) 2 or more persons who have graduated from a university or a college of technology under the Education in Schools Act after completing the necessary courses in veterinary medicine or in the identification of designated body parts, etc. or who have equivalent or higher academic qualifications, and who have a total of three years or more of practical experience concerning the identification of designated body parts, etc. , implement the certification-related affairs; and

(ii) the organization registration applicant is neither of the following:

(a) a stock company whose parent company engages in a business activity in connection with designated internationally endangered species (limited to business activities relating to the product specified by Cabinet Order set forth in paragraph (1) of the preceding Article; the same shall apply in (b)

- below); or
- (b) an entity in which any member of the board or officer is a member of the board or an officer of an entity which engages in business activities in connection with designated internationally endangered species (including a person who has been a member of the board or an officer of an entity which engages in such business activities within the past two years).
- (5) Organization registration shall be carried out by entering the following information in the certifying organization registry:
- (i) the organization registration date and number;
 - (ii) the name and address of the person who obtained the organization registration (in the case of a juridical person, its name, the name of the representative person thereof, and the location of its principal office); and
 - (iii) in addition to what is listed in the preceding two items, information specified by order of the Minister of the Environment and the minister relevant to the designated internationally endangered species.
- (6) With regard to application of the provisions of the preceding Article where a certifying organization carries out certification-related affairs, the phrase "Minister of the Environment and the minister related to the designated internationally endangered species" shall be deemed to be replaced with "certifying organization."

(Matters to be Observed by a Certifying Organization)

- Article 33-9 (1) When a certifying organization is requested to implement certification-related affairs, it shall do so without delay unless justifiable grounds exist.
- (2) A certifying organization shall carry out certification-related affairs fairly and in accordance with the method specified by order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species.
 - (3) When a certifying organization intends to change the location of the office at which it carries out certification-related affairs, it shall notify the Minister of the Environment and the minister relevant to the designated internationally endangered species at least two weeks prior to the day on which such change is to be made.
 - (4) Prior to commencing certification-related affairs, a certifying organization shall, as provided in an order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species, establish rules concerning the implementation of certification-related affairs and obtain the authorization of the Minister of the Environment and the minister relevant to the designated internationally endangered species. The same shall apply when a certifying organization intends to amend said rules.

- (5) A certifying organization shall, within three months after each business year, prepare financial statements, etc. for said business year and keep them in its for five years.
- (6) A person who intends to obtain the authorization set forth in Article 33-7, paragraph (1) or any other interested person may make the following requests at any time during the office hours of the certifying organization; provided, however, that such person shall pay the fee specified by the certifying organization when making the requests set forth in items (ii) and (iv):
- (i) when the financial statements, etc. are prepared in the form of hard copies, a request to view or copy said documents;
 - (ii) a request for a transcript or an extract of the documents set forth in the preceding item;
 - (iii) when the financial statements, etc. are prepared in electronic form, a request to view or copy information recorded in said electronic records which is displayed via the method specified by order issued by the Minister of the Environment and the minister related to the designated internationally endangered species; or
 - (iv) a request for provision of information recorded in the electronic records set forth in the preceding item by the electronic method specified in an order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species or a request for delivery of a document containing said information.
- (7) A certifying organization shall, as provided in an order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species, record information regarding certification-related affairs specified in an order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species in books and shall preserve such books.
- (8) A certifying organization shall not suspend or terminate any or all of the certification-related affairs without obtaining the permission of the Minister of the Environment and the minister relevant to the designated internationally endangered species.

(Obligation of Confidentiality, etc.)

- Article 33-10 (1) Neither a member of the board nor an officer of a certifying organization nor a person who previously held either of these positions shall divulge any confidential information learned with regard to the certifying organization's certification-related affairs.
- (2) With regard to the application of the Penal Code and other penal provisions, a member of the board or officer of a certifying organization who engages in certification-related affairs shall be deemed to be an official engaged in public

service pursuant to laws and regulations.

(Order to Conform Issued to a Certifying Organization, etc.)

Article 33-11 (1) When the Minister of the Environment and the minister relevant to the designated internationally endangered species find that a certifying organization no longer conforms to either of the items under Article 33-8, paragraph (4), they may order the certifying organization to take measures necessary to conform to said provisions.

(2) When the Minister of the Environment and the minister relevant to the designated internationally endangered species find that a certifying organization is in violation of the provisions of Article 33-9, paragraph (1) or (2), they may order the certifying organization to implement certification-related affairs or to take necessary measures to improve the method by which it carries out such certification-related affairs.

(3) When the Minister of the Environment and the minister relevant to the designated internationally endangered species find that the rules set forth in Article 33-9, paragraph (4) have become inappropriate for the fair implementation of certification-related affairs, they may order that the rules be amended.

(4) When a certifying organization falls under Article 33-8, paragraph (3), item (i) or (iii), the Minister of the Environment and the minister relevant to the designated internationally endangered species shall rescind its organization registration.

(5) When a certifying organization falls under any of the following items, the Minister of the Environment and the minister relevant to the designated internationally endangered species may rescind its organization registration or order the certifying organization to suspend all or part of the certification-related affairs for a period specified by the ministers:

(i) when the certifying organization violates the provisions of Article 33-9, paragraphs (3) through (5), paragraph (7), or paragraph (8);

(ii) when the certifying organization implements certification-related affairs in a manner that does not conform to the rules set forth in Article 33-9, paragraph (4);

(iii) when the certifying organization refuses a request under the provisions of the items under Article 33-9, paragraph (6) without justifiable grounds;

(iv) when the certifying organization violates an order under the provisions of paragraphs (1) through (3); or

(v) when the certifying organization obtains organization registration by wrongful means.

(Appeal Against a Disposition, etc. Made by a Certifying Organization)

Article 33-12 Any person dissatisfied with a disposition pertaining to certification-related affairs made by a certifying organization or by the certifying organization's inaction may file a request for examination under the Administrative Appeal Act with the Minister of the Environment and the minister relevant to the designated internationally endangered species.

(Public Notice)

Article 33-13 The Minister of the Environment and the minister relevant to the designated internationally endangered species shall provide public notice in the official gazette in the case of any of the following:

- (i) when organization registration is completed;
- (ii) when notification under the provisions of Article 33-9, paragraph (3) is made;
- (iii) when permission under the provisions of Article 33-9, paragraph (8) is given;
- (iv) when the Minister of the Environment and the minister relevant to the designated internationally endangered species intend to carry out all or part of the certification-related affairs by themselves pursuant to the provisions of Article 24, paragraph (9) as applied mutatis mutandis pursuant to Article 33-15, or when they intend not to carry out all or part of the certification-related affairs which they had in the past carried out themselves; or
- (v) when organization registration is rescinded pursuant to the provisions of Article 33-11, paragraph (4) or (5), or when suspension of all or part of the certification-related affairs is ordered pursuant to the provisions of said paragraph.

(Fees)

Article 33-14 (1) A person who intends to obtain the certification set forth in Article 33-7, paragraph (1) shall pay a fee specified by Cabinet Order in light of the actual cost to the nation (where a certifying organization carries out the certification-related affairs, such fee shall be paid to the certifying organization).

(2) A fee paid to a certifying organization pursuant to the provisions of the preceding paragraph shall be treated as income of the certifying organization.

(Application Mutatis Mutandis)

Article 33-15 The provisions of Article 23, paragraph (6) shall apply mutatis mutandis to organization registration, and the provisions of Article 24, paragraphs (9) and (10) and Article 27 shall apply mutatis mutandis to certification-related affairs. In this case, the term "Minister of the Environment" in these provisions shall be deemed to be replaced with

"Minister of the Environment and the minister relevant to the designated internationally endangered species," and the term "Ordinance of the Ministry of the Environment" in Article 24, paragraph (10) shall be deemed to be replaced with "order issued by the Minister of the Environment and the minister relevant to the designated internationally endangered species."

Chapter III Regulations for Protection of Habitat, etc.

Section 1 Obligations of Landowners, etc.

(Obligations of Landowners, etc.)

Article 34 An owner or possessor of land shall give consideration to the conservation of nationally endangered species of wild fauna and flora when using the land.

(Advice or Guidance)

Article 35 When the Minister of the Environment finds it to be necessary for the conservation of nationally endangered species of wild fauna and flora, he/she may provide the owner or possessor of land with necessary advice or guidance concerning the method of use of the land or any other matters.

Section 2 Natural Habitat Protection Areas

(Natural Habitat Protection Areas)

Article 36 (1) When the Minister of the Environment finds it to be necessary for the conservation of a nationally endangered species of wild fauna or flora, he/she may designate, as a natural habitat protection area, the habitat of the individual organisms of said species and the area that needs to be protected together with said habitat, which are found to be important for the conservation of the nationally endangered species of wild fauna or flora in light of the distribution and ecological needs of said individual organisms and other matters related to the habitation and growth of said individual organisms.

(2) Designation under the provisions of the preceding paragraph (hereinafter referred to as "designation" in this Article) shall be made by specifying the area to be designated, the nationally endangered species of wild fauna or flora to which the designation pertains, and guidelines on protection of the area to be designated.

(3) The Minister of the Environment shall consult with the head of the relevant administrative organ and hear the opinions of the Central Environment Council and the relevant local public entity prior to making a designation.

(4) The Minister of the Environment shall provide public notice prior to making a designation and make a plan for the area to be designated, the nationally

endangered species of wild fauna or flora to which the designation pertains, and guidelines on the protection of the area to be designated (referred to as the "designation plan" in the following paragraph and paragraph (6)) available for public inspection as provided for by Ordinance of the Ministry of the Environment.

- (5) When public notice under the provisions of the preceding paragraph has been provided, any resident and/or interested person in the area to be designated may submit a written opinion on the designation plan to the Minister of the Environment during the period prescribed in said paragraph.
- (6) The Minister of the Environment shall hold a public hearing when a written opinion objecting to the designation plan is submitted under the preceding paragraph or where he/she finds it to be otherwise necessary in order to widely solicit opinions on the designation.
- (7) When the Minister of the Environment makes a designation, he/she shall provide public notice of it and of the area to be designated, the nationally endangered species of wild fauna or flora to which the designation pertains, and guidelines on the protection of the designated area.
- (8) The designation shall become effective upon the giving of public notice under the provisions of the preceding paragraph.
- (9) When the Minister of the Environment finds that there is no longer a need for the designation or when he/she finds it to be inappropriate to continue the designation due to a change in the habitation or growth status, or in any of the other circumstances in relation to the individual organisms from the nationally endangered species of wild fauna or flora to which the natural habitat protection area pertains, he/she shall cancel the designation.
- (10) The provisions of paragraphs (3), (7), and (8) shall apply *mutatis mutandis* to cancellation of the designation under the provisions of the preceding paragraph. In this case, "it and of the area to be designated, the nationally endangered species of wild fauna or flora to which the designation pertains, and guidelines on the protection of the designated area," in paragraph (7) shall be deemed to be replaced with, "it and of the area for which the designation is to be cancelled," and the passage, "public notice under the provisions of the preceding paragraph," in paragraph (8) shall be deemed to be replaced with, "public notice under the provisions of the preceding paragraph as applied *mutatis mutandis* pursuant to paragraph (10)."
- (11) A person who carries out any of the acts listed in the items under paragraph (4) of the following Article within a natural habitat protection area (for the act set forth in item (viii) of said paragraph, within one kilometer of the lake, pond, or wetland prescribed in said item) shall do so in a way that does not impair the conservation of the nationally endangered species of wild fauna or flora while giving consideration to the guidelines set forth in paragraph (2).

(Managed Area)

Article 37 (1) The Minister of the Environment may designate any area within a natural habitat protection area which he/she finds to be particularly necessary for the conservation of a nationally endangered species of wild fauna or flora as a managed area.

(2) When the Minister of the Environment finds that there is no longer a need for the designation under the provisions of the preceding paragraph or when he/she finds it to be inappropriate to continue said designation due to a change in the habitation or growth status or in any of the other circumstances in relation to the individual organisms of the nationally endangered species of wild fauna or flora to which the managed area pertains, he/she shall cancel said designation.

(3) The provisions of paragraphs (2) through (8) of the preceding Article shall apply mutatis mutandis to a designation under the provisions of paragraph (1), and the provisions of paragraphs (3), (7), and (8) of said Article shall apply mutatis mutandis to the cancellation of a designation under the provisions of the preceding paragraph. In this case, "it and of the area to be designated, the nationally endangered species of wild fauna or flora to which the designation pertains, and guidelines on protection of the designated area" in paragraph (7) of said Article shall be deemed to be replaced with "it and of the area for which the designation is to be cancelled," with regard to cancellation of a designation under the provisions of the preceding paragraph, and, "public notice under the provisions of the preceding paragraph," in paragraph (8) of said Article shall be deemed to be replaced with, "public notice under the provisions of the preceding paragraph as applied mutatis mutandis pursuant to paragraph (3) of the following Article."

(4) The following shall not be carried out within a managed area (with regard to item (viii), within one kilometer of the lake, pond, or wetland prescribed in said item; the same shall apply in Article 40, paragraph (1) and Article 41, paragraph (1)), (with regard to items (x) through (xiv), limited to those carried out within the area designated by the Minister of the Environment within the period designated for each area) without the permission of the Minister of the Environment:

- (i) construction, renovation, or expansion of a building or any other structure;
- (ii) development of residential land, cultivation of land or otherwise changing the characteristics of land (including the beds of bodies of water);
- (iii) excavation of minerals or quarrying of soil and/or stone;
- (iv) reclamation of land from a water area by landfill or drainage;
- (v) raising or lowering the water level or water volume of a river, lake, pond, etc. ;

- (vi) felling trees and bamboo;
 - (vii) taking an individual organism from a species of wild fauna or flora or any other thing designated by the Minister of the Environment as required for the habitation or growth of a nationally endangered species of wild fauna or flora;
 - (viii) discharging sewage or waste water into any lake, pond, or wetland designated by the Minister of the Environment within the managed area or into any body of water or waterway that flows into said lake, pond, or wetland, by installing a drainage facility;
 - (ix) using a motor vehicle, horse, motorboat or land aircraft within any area designated by the Minister of the Environment other than on roads, open spaces set aside for public use, rice fields and other cultivated fields, pastures, and residential land;
 - (x) capturing, etc. an individual organism from a species of wild fauna or flora or anything other than the individual organisms from the species of wild fauna and flora and the other organisms designated by the Minister of the Environment pursuant to the provisions of item (vii);
 - (xi) releasing, planting, or sowing the seeds of an individual organism from a species of fauna or flora designated by the Minister of the Environment as one which poses a risk of impeding the habitation or growth of individual organisms from a nationally endangered species of wild fauna or flora, or sowing the seeds thereof;
 - (xii) spreading any substance designated by the Minister of the Environment as posing a risk of impeding the habitation or growth of individual organisms from a nationally endangered species of wild fauna or flora;
 - (xiii) engaging in controlled burning or making an open fire; or
 - (xiv) observing an individual organism from a nationally endangered species of wild fauna or flora by a method specified by the Minister of the Environment as posing a risk of impeding the habitation or growth of individual organisms of the nationally endangered species of wild fauna or flora.
- (5) A person who intends to obtain the permission set forth in the preceding paragraph shall apply to the Minister of the Environment as provided for by Ordinance of the Ministry of the Environment.
- (6) If the act pertaining to the application set forth in the preceding paragraph does not conform to the guidelines set forth in paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to paragraph (3), the Minister of the Environment may refuse to grant the permission set forth in paragraph (4).
- (7) If the Minister of the Environment finds it to be necessary for the conservation of a nationally endangered species of wild fauna or flora, he/she may attach conditions to the permission set forth in paragraph (4) to the extent necessary.

- (8) A person who had already started to engage in any of the acts listed in the items under paragraph (4), when it is decided that said act is to be regulated pursuant to the provisions of said paragraph, may continue to engage in said act notwithstanding the provisions of said paragraph, if he/she notifies the Minister of the Environment of the matters specified by Ordinance of the Ministry of the Environment within three months of the decision on such regulation.
- (9) The provisions of paragraph (4) shall not apply to the following acts:
- (i) a necessary emergency measure in response to an extraordinary disaster;
 - (ii) an ordinary act of management or a simple act which is specified by Ordinance of the Ministry of the Environment; and
 - (iii) felling trees and bamboo by the method and within the limit designated by the Minister of the Environment for each managed area in consultation with the Minister of Agriculture, Forestry and Fisheries.
- (10) A person who has carried out an act set forth in item (i) of the preceding paragraph which falls under any of the items under paragraph (4) shall notify the Minister of the Environment to that effect within fourteen days of the act.

(Restricted Area)

- Article 38 (1) The Minister of the Environment may designate, as a restricted area, any area within a managed area which he/she finds to be particularly necessary to the protection of the habitation or growth of individual organisms from a nationally endangered species of wild fauna or flora.
- (2) When the Minister of the Environment intends to make a designation under the provisions of the preceding paragraph, he/she shall obtain the consent of the owner or possessor of the land in said place (limited to one having legitimate title to the land; the same shall apply in the following paragraph and Article 42, paragraph (2)), and consult with the head of the relevant administrative organ.
- (3) When the owner or possessor of land requests cancelation of the designation under the provisions of paragraph (1) based on justifiable grounds or when the Minister of the Environment finds that there is no longer a need for the designation, the Minister of the Environment shall cancel said designation.
- (4) No person may enter a restricted area during the period specified by the Minister of the Environment. However, this shall not apply in the following cases:
- (i) when entering the restricted area in order to carry out a necessary emergency measure against an extraordinary disaster;
 - (ii) when entering the restricted area in order to carry out a routine act of management or a simple act specified by Ordinance of the Ministry of the Environment; and

(iii) in addition to what is listed in the preceding two items, where the Minister of the Environment finds that unavoidable circumstances exist and grants permission.

(5) The provisions of Article 36, paragraphs (7) and (8) shall apply mutatis mutandis to designation under the provisions of paragraph (1) and cancellation of designation under the provisions of paragraph (3), and the provisions of paragraphs (5) and (7) of the preceding Article shall apply mutatis mutandis to the permission set forth in item (iii) of the preceding paragraph. In this case, the phrase "it and of the area to be designated, the nationally endangered species of wild fauna or flora to which the designation pertains, and guidelines on the protection of the designated area" in Article 36, paragraph (7) shall be deemed to be replaced with "it and the area to be designated" with regard to a designation under the provisions of paragraph (1) and "it and the area for which designation is to be cancelled" with regard to cancellation of designation under the provisions of paragraph (3), and the phrase "public notice under the provisions of the preceding paragraph" in paragraph (8) of said Article shall be deemed to be replaced with "public notice under the provisions of the preceding paragraph as applied mutatis mutandis pursuant to Article 38, paragraph (5)."

(Monitoring Area)

Article 39 (1) A person who intends to carry out any of the acts listed in Article 37, paragraph (4), items (i) through (v) within any part of a natural habitat protection area that is not categorized as a managed area (referred to as a "monitoring area" in paragraph (1) of the following Article and Article 41, paragraph (1)) shall notify the Minister of the Environment of matters specified by Ordinance of the Ministry of the Environment in advance.

(2) Where notification under the provisions of the preceding paragraph (hereinafter referred to as "notification" in this Article) has been provided, if the act to which the notification pertains does not conform to the guidelines set forth in Article 36, paragraph (2), the Minister of the Environment may prohibit or restrict the person who made the notification from carrying out the act to which the notification pertains or order said person to take necessary measures.

(3) An order under the provisions of the preceding paragraph may not be issued after thirty days have elapsed from the day of the notification (or after a period specified by the Minister of the Environment not exceeding sixty days from the day of the notification, if there are reasonable grounds for not being able to issue an order under the provisions of said paragraph within thirty days from the day of the notification) or after providing notice under the provisions of the proviso to paragraph (5).

(4) When the Minister of the Environment has specified a period pursuant to the

provisions of the preceding paragraph, he/she shall notify the person who provided notification of such fact and the grounds therefor without delay.

(5) A person who provided notification shall not commence the act to which the notification pertains until thirty days have elapsed from the day of the notification (if the Minister of the Environment has specified a period pursuant to the provisions of paragraph (3), until after said period has elapsed).

However, this shall not apply where the Minister of the Environment finds that the act poses no risk of impeding the conservation of the nationally endangered species of wild fauna or flora and notifies said person to that effect.

(6) The provisions of paragraph (1) shall not apply to the following acts:

- (i) an act carried out as a necessary emergency measure in response to an extraordinary disaster;
- (ii) a routine act of management or a simple act specified by Ordinance of the Ministry of the Environment; and
- (iii) an act which the person had already begun when designation under the provisions of Article 36, paragraph (1) was made.

(Order to take Measures, etc.)

Article 40 (1) When the Minister of the Environment finds it necessary for the conservation of a nationally endangered species of wild fauna or flora, he/she may instruct a person engaging in any of the acts listed in the items under Article 37, paragraph (4) within a managed area or a person carrying out any of the acts listed in items (i) through (v) of said paragraph within a monitoring area as to the implementation methods of said act.

(2) Where a person who has violated the provisions of Article 37, paragraph (4) or Article 38, paragraph (4), a person who has violated the conditions attached pursuant to the provisions of Article 37, paragraph (7) (including cases where applied *mutatis mutandis* pursuant to Article 38, paragraph (5)), a person who has engaged in an act prescribed in paragraph (1) of the preceding Article without providing notification under the provisions of said paragraph, or a person who has violated an order under the provisions of paragraph (2) of said Article has impaired the protection of the habitat of individual organisms from a nationally endangered species of wild fauna or flora through said violation, if the Minister of the Environment finds it to be necessary for the conservation of the nationally endangered species of wild fauna or flora, he/she may order said person to restore the original conditions or take any other necessary measures for the protection of the habitat of individual organisms of the nationally endangered species of wild fauna or flora by a reasonable time limit specified by the Minister.

(3) If the recipient of the order issued by the Minister of the Environment under the provisions of the preceding paragraph fails to take measures prescribed in

the order by the time limit, the Minister may restore the original conditions or take any other measures necessary for the protection of the habitat of individual organisms from the nationally endangered species of wild fauna or flora himself/herself, and charge the recipient for all or part of the costs therefor.

(Collection of Reports and Onsite Inspections)

Article 41 (1) The Minister of the Environment may, to the extent necessary for the enforcement of this Act, request a person who has engaged in any of the acts listed in the items under Article 37, paragraph (4) within a managed area or any of the acts listed in items (i) through (v) of said paragraph within a monitoring area to make reports on the implementation status of said act or any other necessary matters.

(2) The Minister of the Environment may, to the extent necessary for the enforcement of this Act, have ministry officials enter land owned or possessed by a person prescribed in the preceding paragraph within a natural habitat protection area and inspect the implementation status of the act engaged in by said person or questions persons concerned, or have them survey the influence of said act on the conservation of a nationally endangered species of wild fauna or flora.

(3) An official carrying out an onsite inspection or survey under the provisions of the preceding paragraph shall carry an identification card and present it to the persons concerned.

(4) The authority under the provisions of paragraphs (1) and (2) shall not be construed to extend to criminal investigations.

(Field Survey)

Article 42 (1) The Minister of the Environment may have ministry officials enter a person's land to the extent necessary for field surveys conducted for the purpose of making designations under the provisions of Article 36, paragraph (1), Article 37, paragraph (1), or Article 38, paragraph (1).

(2) The Minister of the Environment shall notify the owner or possessor of the land when he/she intends to have ministry officials enter land under the provisions of the preceding paragraph and give said owner or possessor an opportunity to state his/her opinions in advance.

(3) An official who enters land pursuant to the provisions of paragraph (1) shall carry an identification card and present it to persons concerned.

(4) No owner or possessor of land shall refuse or obstruct entry under the provisions of paragraph (1) unless justifiable grounds exist.

(Ruling by the Environmental Disputes Coordination Commission)

Article 43 (1) A person who is dissatisfied with a disposition under the provisions of Article 37, paragraph (4), Article 39, paragraph (2), or Article 40, paragraph (2) may apply to the Environmental Disputes Coordination Commission for a ruling if the grounds for said dissatisfaction relate to coordination with a mining, stone quarrying, or gravel quarrying business. In this case, said person may not file an appeal under the Administrative Appeal Act.

(2) The provisions of Article 18 of the Administrative Appeal Act shall apply mutatis mutandis where the administrative agency ordering the disposition erroneously announces that a request for examination or an appeal may be filed against the disposition set forth in the preceding paragraph.

(Compensation for Losses)

Article 44 (1) Where a person has incurred losses due to the inability to obtain the permission set forth in Article 37, paragraph (4), attachment of conditions pursuant to the provisions of Article 37, paragraph (7), or an order under the provisions of Article 39, paragraph (2), the nation shall compensate the person for the losses that would normally be incurred in such a case.

(2) A person who wishes to receive the compensation set forth in the preceding paragraph shall request it from the Minister of the Environment.

(3) When the Minister of the Environment receives the request set forth in the preceding paragraph, he/she shall determine the compensation amount and notify the requester thereof.

(4) A person dissatisfied with the amount determined under the provisions of the preceding paragraph may request an increase in said amount by filing an action within six months from the day on which he/she received notice under the provisions of said paragraph.

(5) In the action set forth in the preceding paragraph, the nation shall be the defendant.

Chapter IV Programs for the Rehabilitation of Natural Habitats and Maintenance of Viable Populations

(Plan for a Program for the Rehabilitation of Natural Habitats and Maintenance of Viable Populations)

Article 45 (1) The Minister of the Environment and the head of the national government administrative organ intending to carry out a program for the rehabilitation of natural habitats and maintenance of viable populations (collectively referred to as the "Minister of the Environment, etc." in paragraph (3)) shall, in order to contribute to the proper and effective implementation of the program, establish a plan for it after hearing the opinions of the Central

Environmental Council, .

- (2) The plan for a program for the rehabilitation of natural habitats and maintenance of viable populations set forth in the preceding paragraph shall, for each nationally endangered species of wild fauna or flora to be made subject to such a program, provide the goals of the program, the area where it is to be carried out, its contents, and any other matters necessary to properly and effectively implement the program.
- (3) When the Minister of the Environment, etc. establishes a plan for a program for the rehabilitation of natural habitats and maintenance of viable populations set forth in paragraph (1), he/she shall provide public notice of an outline thereof in the official gazette, and shall make the entire plan available for public viewing.
- (4) The provisions of paragraph (1) and the preceding paragraph shall apply *mutatis mutandis* to any amendment to a plan for a program for the rehabilitation of natural habitats and maintenance of viable populations set forth in paragraph (1).

(Certified Programs for the Rehabilitation of Natural Habitats and Maintenance of Viable Populations, etc.)

- Article 46 (1) When the nation finds it necessary for the conservation of a nationally endangered species of wild fauna or flora, it shall carry out a program for the rehabilitation of natural habitats and maintenance of viable populations.
- (2) Where a plan for a program for the rehabilitation of natural habitats and maintenance of viable populations made by a local public entity conforms with the requirements of such a plan under paragraph (1) of the preceding Article, the local public entity may receive confirmation to that effect from the Minister of the Environment.
 - (3) A person other than a national or local public entity may obtain certification from the Minister of the Environment to the effect that said person is capable of properly and reliably implementing a program for the rehabilitation of natural habitats and maintenance of viable populations and that the plan for said program conforms to the requirements set forth in paragraph (1) of the preceding Article.
 - (4) When the Minister of the Environment grants the certification set forth in the preceding paragraph, he/she shall provide public notice to that effect as provided for by Ordinance of the Ministry of the Environment. The same applies when he/she rescinds the certification pursuant to the provisions of Article 48, paragraph (2) or (3).

Article 47 (1) A certified program for the rehabilitation of natural habitats and

- maintenance of viable populations, etc. (meaning a national program, a program for which the confirmation set forth in paragraph (2) or the certification set forth in paragraph (3) of said Article has been obtained; hereinafter the same shall apply in this Article) shall be carried out in accordance with the plan for the program set forth in Article 45, paragraph (1).
- (2) The provisions of Article 9, Article 37, paragraphs (4) and (10), Article 38, paragraph (4), Article 39, paragraph (1), and Article 54, paragraphs (2) and (3) shall not apply to an act implemented as a certified program for the rehabilitation of natural habitats and maintenance of viable populations, etc.
- (3) Owners and possessors of land within a natural habitat protection area shall endeavor to cooperate with the installation of feeding facilities and/or any other necessary facilities that are part of a certified program for the rehabilitation of natural habitats and maintenance of viable populations, etc.
- (4) The Minister of the Environment may request a person carrying out a program for the rehabilitation of natural habitats and maintenance of viable populations after obtaining the certification set forth in paragraph (3) of the preceding Article to report on the implementation status of said program or on any other necessary matters.

- Article 48 (1) When a person carrying out a program for the rehabilitation of natural habitats and maintenance of viable populations after obtaining the confirmation set forth in Article 46, paragraph (2) or the certification set forth in Article 46, paragraph (3) terminates said program or becomes unable to carry it out in accordance with the plan established under Article 45, paragraph (1), he/she shall notify the Minister of the Environment to that effect.
- (2) When notice under the provisions of the preceding paragraph has been given, the Minister of the Environment shall rescind the confirmation set forth in Article 46, paragraph (2) or the certification set forth in Article 46, paragraph (3) to which said notice pertains.
- (3) When the Minister of the Environment finds that a program for the rehabilitation of natural habitats and maintenance of viable populations for which the certification set forth in Article 46, paragraph (3) has been obtained is not being carried out in accordance with the plan for said program established under Article 45, paragraph (1), or finds that the person carrying out said program is no longer capable of properly and reliably implementing it or has failed to make a report under the provisions of paragraph (4) of the preceding Article or has made a false report, he/she may rescind the certification.

Chapter V Miscellaneous Provisions

(Surveys)

Article 49 The Minister of the Environment shall periodically survey the status of the habitation or growth of individual organisms from species of wild fauna and flora, the status of their habitat, and other necessary matters, and use the results thereof for the revision or repeal of any order issued under this Act, designation under this Act or cancellation thereof, and other purposes to ensure the proper operation of this Act.

(Officials Engaged in Regulation)

Article 50 (1) The Minister of the Environment may have any ministry official who satisfies the requirements specified by Cabinet Order exercise part of the authority prescribed in Article 8, Article 11, paragraph (1), Article 14, Article 18, Article 19, paragraph (1), Article 35, Article 40, paragraph (1) or (2), or Article 41, paragraph (1).

(2) An official who exercises part of the authority of the Minister of the Environment pursuant to the provisions of the preceding paragraph (referred to as a "regulatory official for the conservation of endangered species of wild fauna and flora" in the following paragraph) shall carry an identification card and present it to persons concerned when exercising said authority.

(3) In addition to what is provided in the preceding two paragraphs, necessary matters concerning regulatory officials for the conservation of endangered species of wild fauna and flora shall be specified by Cabinet Order.

(Endangered Species Conservation Promoters)

Article 51 (1) The Minister of the Environment may appoint an endangered species conservation promoter from among persons who have enthusiasm and insight concerning the conservation of endangered species of wild fauna and flora.

(2) An endangered species conservation promoter shall engage in the following activities:

- (i) educating the public about the current situation of endangered species of wild fauna and flora and the importance of the conservation thereof;
- (ii) surveying the status of the inhabitation or growth of individual organisms of endangered species of wild fauna and flora or the status of their habitat;
- (iii) providing necessary advice for the conservation of an endangered species of wild fauna or flora to an owner or possessor of an individual organism, etc. from the endangered species of wild fauna or flora or an owner or possessor of land which is the habitat of such species, upon such person's request; and
- (iv) providing necessary cooperation with measures implemented by national or local public entities for the conservation of endangered species of wild fauna

and flora.

- (3) Endangered species conservation promoter shall be an honorary post with a three year term of office.
- (4) The provisions of Article 9 shall not apply to an act of taking, specified by Ordinance of the Ministry of the Environment, by an endangered species conservation promoter for the purpose of any survey of individual organisms from endangered species of wild fauna and flora.
- (5) The Minister of the Environment may dismiss an endangered species conservation promoter if he/she has difficulty performing his/her duties, fails to perform his/her duties, violates the provisions of this Act, or engages in any other act unbecoming of an endangered species conservation promoter,.

(Method of Collecting the Costs to be Borne)

- Article 52 (1) When the Minister of the Environment intends to have a person bear costs pursuant to the provisions of Article 40, paragraph (3), or when the Minister of Economy, Trade and Industry, etc. intends to have a person bear costs pursuant to the provisions of Article 16, paragraph (3), they shall order said person in writing to pay the costs, specifying the amount thereof (hereinafter referred to as the "costs" in this Article) and the time limit for the payment as provided by Ordinance of the Ministry of the Environment or of the Ministry of Economy, Trade and Industry.
- (2) When a person does not pay the costs by the time limit for payment set forth in the preceding paragraph, the Minister of the Environment or the Minister of Economy, Trade and Industry, etc. shall demand payment by sending a demand letter and designating a time limit, as provided by Ordinance of the Ministry of the Environment or of the Ministry of Economy, Trade and Industry.
 - (3) When the Minister of the Environment or the Minister of Economy, Trade and Industry, etc. demands payment under the provisions of the preceding paragraph, he/she may, as provided by Ordinance of the Ministry of the Environment or of the Ministry of Economy, Trade and Industry, collect a fine for delinquency in an amount calculated by multiplying the amount of the costs by a rate not exceeding 14.5 percent per annum based on the number of days from the day following expiry of the time limit set forth in paragraph (1) until the day preceding either full payment of the costs or property attachment pertaining to the costs.
 - (4) When a person who receives a demand for payment under the provisions of paragraph (2) fails to pay the costs or the delinquency fine set forth in the preceding paragraph pertaining to the costs (hereinafter referred to as the "delinquency fine" in this Article) by the time limit designated in the demand letter described in said paragraph, the Minister of the Environment or the

Minister of Economy, Trade and Industry, etc. may collect the costs to be borne or the delinquency fine in accordance with the rules for collection of delinquent national tax. In this case, the order with regard to the statutory lien on the costs and the delinquency fine shall come after national tax and local tax orders.

(5) The delinquency fine shall be collected prior to the costs.

(Provision of Advice and Other Measures for Local Public Entities)

Article 53 The nation shall endeavor to provide advice and take any other measures to enable local public entities to smoothly implement their measures for the conservation of endangered species of wild fauna and flora.

(Special Provisions Concerning the Nation, etc.)

Article 54 (1) The provisions of Article 8, Article 9, Article 12, paragraph (1), Article 35, Article 37, paragraphs (4) and (10), Article 38, paragraph (4), Article 39, paragraph (1), Article 40, paragraph (1), and Article 41, paragraphs (1) and (2) shall not apply to activities and programs carried out by a national organ or a local public entity.

(2) When a national organ or a local public entity intends to take a living individual organism from a nationally endangered species of wild fauna or flora in a case other than those listed in Article 9, items (ii) and (iii), when it intends to transfer, etc. an individual organism, etc. from an endangered species of wild fauna or flora in a case other than those listed in Article 12, paragraph (1), items (ii) through (vii), or when it intends to carry out an act which requires the permission set forth in Article 37, paragraph (4) or Article 38, paragraph (4), item (iii), except in the cases specified by Ordinance of the Ministry of the Environment, it shall consult with the Minister of the Environment in advance if it is a national organ or consult with and obtain the consent of the Minister of the Environment if it is a local public entity.

(3) When a national organ or local public entity carries out any of the acts listed in the items under Article 37, paragraph (4) in a case in which it may continue to carry out said act by providing notification pursuant to the provisions of Article 37, paragraph (8), or when it carries out or intends to carry out an act that requires notification pursuant to the provisions of paragraph (10) of that Article or Article 39, paragraph (1), except in the cases specified by Ordinance of the Ministry of the Environment, it shall notify the Minister of the Environment to that effect in accordance with the rules for notification under these provisions.

(Delegation of Authority)

Article 55 The authority of the Minister of the Environment prescribed in this

Act may be delegated to the head of a regional environmental office as provided by Ordinance of the Ministry of the Environment.

(Transitional Measures)

Article 56 Where enacting, revising, or repealing an order based on the provisions of this Act, required transitional measures (including transitional measures regarding penal provisions) may be provided for by said order to the extent that is judged to be reasonably necessary in line with said enactment, revision, or repeal.

(Delegation to Ordinance of the Ministry of the Environment)

Article 57 In addition to the provisions of this Act, procedures for the implementation of this Act and any other necessary measures concerning the enforcement of this Act shall be specified by Ordinance of the Ministry of the Environment.

Chapter VI Penal Provisions

Article 58 A person who falls under either of the following items shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen:

- (i) a person who has violated the provisions of Article 9, Article 12, paragraph (1), Article 15, paragraph (1), or Article 37, paragraph (4); or
- (ii) a person who has violated an order under the provisions of Article 11, paragraph (1), Article 14, Article 16, paragraph (1) or (2), or Article 40, paragraph (2).

Article 59 A person who falls under any of the following items shall be punished by imprisonment with work for not more than six months or a fine of not more than five hundred thousand yen:

- (i) a person who has violated any of the conditions attached pursuant to the provisions of Article 10, paragraph (4) (including where applied *mutatis mutandis* pursuant to Article 13, paragraph (4)) or Article 37, paragraph (7);
- (ii) a person who has violated an order under the provisions of Article 18, Article 20-3, paragraphs (4) through (6), Article 32, paragraph (2) (including where applied *mutatis mutandis* pursuant to paragraph (3) of that Article), Article 33-4, paragraph (2), or Article 33-6, paragraph (4);
- (iii) a recipient of registration or advance registration through deception or other wrongful means;
- (iv) a person who has, in an advance registration certificate, filled in information as provided for in the main clause of Article 20-3, paragraph (1)

for a raw material body part, etc. other than the one that conforms with the information contained in the advance registration, or who has included false information among the information provided for in the main clause of said paragraph; or

(v) a person who has violated the provisions of Article 38, paragraph (4).

Article 60 A person who has violated the provisions of Article 25, paragraph (1) or Article 33-10, paragraph (1) shall be punished by imprisonment with work for not more than six months or a fine of not more than five hundred thousand yen.

Article 61 When an order to suspend registration- or certification-related affairs prescribed in Article 26, paragraph (5) or Article 33-11, paragraph (5) is violated, the members of the board or officers concerned at the registration or certifying organization that committed the violation shall be punished by imprisonment with work for not more than six months or a fine of not more than five hundred thousand yen.

Article 62 A person who falls under any of the following items shall be punished by a fine of not more than five hundred thousand yen:

- (i) a person who violates the provisions of Article 17 or Article 39, paragraph (5);
- (ii) a person who engages in a business activity in connection with a designated nationally or internationally endangered species without providing notification under the provisions of Article 30, paragraph (1) or (2) or Article 33-2;
- (iii) a person who violates any of the conditions attached pursuant to the provisions of Article 37, paragraph (7) as applied mutatis mutandis pursuant to Article 38, paragraph (5);
- (iv) a person who engages in any of the acts prescribed in Article 39, paragraph (1) without providing notification under the provisions of said paragraph, or who provides false notification; or
- (v) a person who violates an order under the provisions of Article 39, paragraph (2).

Article 63 A person who falls under any of the following items shall be punished by a fine of not more than three hundred thousand yen:

- (i) a person who engages in a taking without having a permit or operator certificate in his/her possession in violation of the provisions of Article 10, paragraph (8);
- (ii) a person who fails to make the report prescribed in Article 19, paragraph

- (1) or who makes a false report, or who refuses, obstructs, or evades an on-site inspection under the provisions of said paragraph or who fails to make a statement or makes a false statement in response to a question under the provisions of said paragraph;
- (iii) a person who receives a reissued registration card as set forth in Article 20, paragraph (4) (including where applied mutatis mutandis pursuant to Article 22, paragraph (2)) through deception or other wrongful means;
- (iv) a person who violates the proviso to Article 20-3, paragraph (1) or the provisions of paragraph (3) of said Article;
- (v) a person who fails to make a report under the provisions of Article 20-3, paragraph (2) or (7), or who makes a false report;
- (vi) a person who violates the provisions of Article 21, Article 22, paragraph (1), or Article 30, paragraph (3) (including where applied mutatis mutandis pursuant to paragraph (5) of said Article and Article 33-5);
- (vii) A person who fails to make a report under the provisions of Article 33, paragraph (1) (including where applied mutatis mutandis pursuant to paragraph (2) of said Article and Article 33-5; hereinafter the same shall apply in this item) or who makes a false report, or who refuses, obstructs, or evades an on-site inspection under the provisions of Article 33, paragraph (1) or who fails to make a statement or who makes a false statement in response to a question under the provisions of said paragraph;
- (viii) a person who obtains the certification set forth in Article 33-7, paragraph (1) through deception or other wrongful means;
- (ix) a person who violates the provisions of Article 33-7, paragraph (4);
- (x) a person who fails to make the report prescribed in Article 41, paragraph (1) or who makes a false report, or who refuses, obstructs, or evades an on-site inspection or an on-site survey under the provisions of paragraph (2) of said Article or who fails to make a statement or makes a false statement in response to a question under the provisions of said paragraph; or
- (xi) a person who refuses or obstructs entry under the provisions of Article 42, paragraph (1) in violation of the provisions of Article 42, paragraph (4). .

Article 64 When the members of the board or officers concerned at the violating registration or certifying organization fall under any of the following items, they shall be punished by a fine of not more than three hundred thousand yen:

- (i) when they fail to enter information under the provisions of Article 24, paragraph (7) or Article 33-9, paragraph (7), enter false information, or fail to keep books in violation of the provisions of Article 24, paragraph (7) or Article 33-9, paragraph (7);
- (ii) when they eliminate all of the registration- or certification-related information within obtaining the permission set forth in Article 24,

- paragraph (8) or Article 33-9, paragraph (8); or
- (iii) when they fail to make the report prescribed in Article 27, paragraph (1) (including where applied mutatis mutandis pursuant to Article 33-15; hereinafter the same shall apply in this item) or make a false report, or refuse, obstruct, or evade an on-site inspection under the provisions of said paragraph or fail to make a statement or make a false statement in response to a question under the provisions of said paragraph.

Article 65 When the representative person of a juridical person or an agent, employee, or any other person engaged by a juridical person or an individual commits a violation set forth in Article 58, 59, 62 or 63 with regard to the business of said juridical person or individual, not only the offender but also said juridical person or individual shall be punished by the fine prescribed in the respective Article.

Article 66 When falling under either of the following items, the members of the board or officers concerned at the registration or certifying organization that has committed the violation shall be punished by a fine of not more than two hundred thousand yen:

- (i) when such board members or officers fail to maintain financial statements, etc. , fail to include required information in said financial statements, etc. or include false information in said financial statements, etc. ; or
- (ii) when such board members or officers refuse a request under the provisions of any of the items under Article 24, paragraph (6) or Article 33-9, paragraph (6) without justifiable grounds.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into effect as of April 1, 1993; provided, however, that the provisions of Chapter I of the Act and Articles 9 and 12 of the Supplementary Provisions shall come into effect as of the day of promulgation.

(Repeal of the Act on Regulation of Transfers, etc. of Special Birds, etc.)

Article 2 The following Acts shall be repealed:

- (i) the Act on Regulation of Transfers, etc. of Special Birds (Act No. 49 of 1972);
and
- (ii) the Act on Regulation, etc. of Transfers of Endangered Wild Fauna and Flora (Act No. 58 of 1987).

(Transitional Measures)

Article 3 Any permission already granted pursuant to the proviso to Article 3, paragraph (1) of the Act on Regulation of Transfers, etc. of Special Birds before its repeal under the provisions of the preceding Article (hereinafter referred to as the "former Birds Act") or any permission already granted pursuant to the provisions of Article 3, paragraph (1), item (i) of the Act on Regulation, etc. of Transfers of Endangered Wild Fauna and Flora before its repeal under the provisions of the preceding Article (hereinafter referred to as the "former Wild Fauna and Flora Act") at the time of the enforcement of this Act shall be deemed to be equivalent to permission under Article 13, paragraph (1).

Article 4 Any endangered wild species of fauna or flora set forth in Article 2, paragraph (1) of the former Wild Species of Fauna and Flora Act (hereinafter referred to as "endangered species of wild fauna or flora") which is an individual organism from an internationally endangered species of wild fauna or flora for which the registration set forth in Article 6, paragraph (1) of the former Wild Fauna and Flora Act had already been obtained at the time of the enforcement of this Act, shall be deemed to have obtained the registration set forth in Article 20, paragraph (1), and any registration card that had already been issued pursuant to the provisions of Article 6, paragraph (3) or (5) of the former Wild Fauna and Flora Act (including where applied mutatis mutandis pursuant to Article 8, paragraph (2) of the former Wild Fauna and Flora Act) for said individual organism at the time of the enforcement of this Act shall be deemed to be a registration card issued pursuant to the provisions of Article 20, paragraph (3).

Article 5 In addition to what is provided in the preceding two Articles, any disposition made or other act carried out by the Director-General of the Environmental Agency pursuant to the provisions of the former Birds Act or the former Wild Fauna and Flora Act, or any application for permission, registration, or reissuance of registration that is pending before the Director-General of the Environmental Agency pursuant to the provisions of the former Wild Fauna and Flora Act shall be deemed to be a disposition made or other act carried out by the Director-General of the Environmental Agency or an application for permission, registration, or reissuance of registration that is pending before the Director-General of the Environmental Agency based on the equivalent provisions of this Act.

Article 6 With regard to notification to the Director-General of the Environmental Agency pertaining to a person who had received transfer or delivery of endangered wild fauna or flora for which the registration set forth in Article 6, paragraph (1) of the former Wild Fauna and Flora Act had been

obtained, or return of the registration card of a person possessing endangered wild fauna or flora for which said registration had been obtained and who fell under any of the items under Article 8, paragraph (1) of the former Wild Fauna and Flora Act prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Article 7 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act where the provisions formerly in force are to remain applicable pursuant to the provisions of the preceding Article, the provisions formerly in force shall remain applicable.