

Act on Facilitating the Export of Agricultural, Forestry, and Fishery Products and Food

(Act No. 57 of November 27, 2019)

Table of Contents

Chapter I General Provisions (Articles 1 and 2)

Chapter II Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food (Articles 3 through 9)

Chapter III Basic Policy; Related Matters (Articles 10 through 13)

Chapter IV Action Plan (Article 14)

Chapter V Measures That the National Government and Others Take to Streamline the Export of Agricultural, Forestry, and Fishery Products and Food

Section 1 Issuance of Export Certificates; Related Matters (Articles 15 through 17)

Section 2 Registered Certifying Body (Articles 18 through 33)

Chapter VI Measures to Support Businesses That Are Working to Export Agricultural, Forestry, and Fishery Products and Food (Articles 34 through 37)

Chapter VII Miscellaneous Provisions (Articles 38 through 46)

Chapter VIII Penal Provisions (Articles 47 through 54)

Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to contribute to sustainable development in the agricultural, forestry, fishery, and food industries by providing for the establishment of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food, providing for the formulation of a basic policy and action plan, and implementing measures such as the issuance, etc. of export certificates and the certification of export project plans, in order to facilitate the export of agricultural, forestry, and fishery products and food that are produced in Japan.

(Definitions)

Article 2 (1) In this Act, the term "agricultural, forestry, or fishery product" includes anything manufactured or processed (other than what is prescribed in the following paragraph) that uses an agricultural, forestry, or fishery product

as a raw material or ingredient and that is specified by order of the competent ministry.

(2) In this Act, the term "food" means all food and drink (other than pharmaceuticals as provided in Article 2, paragraph (1) of the Act on Securing Quality, Efficacy and Safety of Products Including Pharmaceuticals and Medical Devices (Act No. 145 of 1960), quasi-pharmaceutical products as provided in paragraph (2) of that Article, and regenerative medicine products as provided in paragraph (9) of that Article).

(3) In this Act, the term "registered certifying body" means a person that has been registered by the competent minister pursuant to Article 20, paragraph (1).

Chapter II Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food

(Establishment)

Article 3 The Headquarters for the Export of Agricultural, Forestry and Fishery Products and Food (hereinafter referred to as "Headquarters") is hereby established as a special body under the Ministry of Agriculture, Forestry and Fisheries.

(Administrative Functions under the Jurisdiction of Headquarters)

Article 4 Headquarters is responsible for the following administrative functions:

- (i) those concerned with the planning, development, and advancement of basic policies for facilitating the export of agricultural, forestry, and fishery products and food; and
- (ii) those concerned with the coordination of functions among the administrative ministries concerned in the export of agricultural, forestry, and fishery products and food.

(Organization)

Article 5 Headquarters consists of the Director-General of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food, and members of the Headquarters for Export of Agricultural, Forestry, and Fishery Products and Food.

(Director-General of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food)

Article 6 (1) The head position at Headquarters is the Director-General of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food (referred to as the "Director-General of Headquarters" in the

following paragraph and Article 7, paragraph (2), item (vii)), and the Minister of Agriculture, Forestry, and Fisheries serves in this capacity.

(2) The Director-General of Headquarters manages the administrative functions of the Headquarters.

(Members of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food)

Article 7 (1) Headquarters has in place members of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food (referred to as "Headquarters members" in the following paragraph).

(2) The persons set forth in the following items serve as Headquarters members:

(i) the Minister of Internal Affairs and Communications;

(ii) the Minister of Foreign Affairs;

(iii) the Minister of Finance;

(iv) the Minister of Health, Labour and Welfare;

(v) the Minister of Economy, Trade and Industry;

(vi) the Minister of Land, Infrastructure, Transport and Tourism; and

(vii) persons beyond those set forth in the preceding items whom the Prime Minister appoints from among Ministers of State other than the Director-General of Headquarters at the request of the Minister of Agriculture, Forestry and Fisheries.

(Request to Submit Materials; Related Matters)

Article 8 (1) Headquarters may ask the head of relevant administrative organs to submit materials, give an opinion or explanation, or provide any other necessary cooperation if it finds this to be necessary in order for it to perform the administrative functions under its jurisdiction.

(2) Headquarters may also request that a person other than one provided for in the preceding paragraph provide the necessary cooperation if it finds this to be particularly necessary in order for it to perform the administrative functions under its jurisdiction.

(Delegation to Cabinet Order)

Article 9 Beyond what is provided in Article 3 through the preceding Article, Cabinet Order provides for the necessary particulars in connection with the organization and management of Headquarters.

Chapter III Basic Policy; Related Matters

(Basic Policy)

Article 10 (1) Headquarters is to establish a basic policy on facilitating the

export of agricultural, forestry, and fishery products and food (hereinafter referred to as the "basic policy").

- (2) The basic policy is to establish the following:
- (i) a basic direction for measures to facilitate the export of agricultural, forestry, and fishery products and food;
 - (ii) basic particulars regarding the deliberations with the governmental organizations of a country of destination (meaning a country or region constituting the place of destination for an agricultural, forestry, or fishery product or food being exported from Japan; the same applies hereinafter) with regard to the import conditions that the governmental organizations of that country of destination establish (meaning conditions related to food sanitation, the quarantine of plants, animals, and livestock products, and other such things that the governmental organizations of the country of destination establish for agricultural, forestry, and fishery products or food that are being imported; the same applies hereinafter) that are needed to facilitate the export of agricultural, forestry, and fishery products and food;
 - (iii) basic particulars regarding the issuance of certificates and the development of other such procedures that are needed in order to streamline the export of agricultural, forestry, and fishery products and food that conform to import conditions;
 - (iv) basic particulars regarding support for businesses that are working to export agricultural, forestry, and fishery products and food; and
 - (v) the particulars of measures that are needed in order to facilitate the export of agricultural, forestry, and fishery products and food, beyond what is provided in the preceding items.
- (3) Having established or amended the basic policy, Headquarters must make this public without delay.

(Responsibility of the National Government)

Article 11 (1) The national government is responsible for advancing measures for facilitating the export of agricultural, forestry, and fishery products and food in a comprehensive and integrated manner.

- (2) The national government must endeavor to provide the information, guidance, advice, and other assistance that is necessary to the work that a business is doing to export agricultural, forestry, and fishery products and food.

(Responsibility of Prefectures and Equivalent Entities)

Article 12 (1) Prefectures, cities that have health centers, and special wards (hereinafter each of these is individually referred to as a "prefecture or equivalent entity") are responsible for developing the necessary procedures to streamline the export of agricultural, forestry, and fishery products and food in

keeping with the actual conditions of the region and for taking other such measures, in order to facilitate the export of agricultural, forestry, and fishery products and food.

- (2) A prefecture or equivalent entity must endeavor to provide the information, guidance, advice, and other such assistance that is necessary to the work a business is doing to export agricultural, forestry, and fishery products and food, in keeping with the actual conditions of the region.

(Collaboration and Cooperation Among Concerned Parties)

Article 13 The national government, prefectures and equivalent entities, Japan Finance Corporation, and other such concerned parties must endeavor to collaborate and cooperate with one another to facilitate the export of agricultural, forestry, and fishery products and food in a comprehensive and integrated manner.

Chapter IV Action Plan

Article 14 (1) Headquarters is to develop an action plan for facilitating the export of agricultural, forestry, and fishery products and food (hereinafter referred to as the "action plan" in this Article) in accordance with the basic policy.

- (2) Headquarters is to provide for the following in the action plan:
- (i) countries of destination and agricultural, forestry, and fishery products and food that will be the focus of measures being implemented based on the particulars provided in the basic policy that are set forth in Article 10, paragraph (2), items (ii) through (v) (hereinafter referred to as "export facilitation measures" in this Article);
 - (ii) the substance and implementation period of export facilitation measures;
 - (iii) the minister responsible for implementing export facilitation measures;
 - and
 - (iv) necessary particulars regarding the implementation of export facilitation measures, beyond what is provided in the preceding three paragraphs.
- (3) At least once each fiscal year, Headquarters is to compile information on the progress and implementation status of export facilitation measures; evaluate the progress of export facilitation measures and the effectiveness of their implementation; review the action plan in consideration of the results of its evaluation, changes in economic circumstances, and other such conditions; and make alterations to the action plan.
- (4) Having developed or altered the action plan, Headquarters must make it public without delay.
- (5) Having carried out an evaluation as referred to in paragraph (3),

Headquarters must make public the progress and implementation status of export facilitation measures and the results of the evaluation.

Chapter V Measures That the National Government and Others Take to Streamline the Export of Agricultural, Forestry, and Fishery Products and Food

Section 1 Issuance of Export Certificates; Related Matters

(Issuance of Export Certificates)

- Article 15 (1) If a governmental organization of a country of destination calls for the competent minister to issue an export certificate (meaning a certificate showing that an agricultural, forestry, or fishery product or food conforms to the country of destination's import conditions; the same applies hereinafter in this Article and Article 38) for an agricultural, forestry, or fishery product or food for which import conditions have been established, and an application has been filed by a business that is engaged in the export of that agricultural, forestry, or fishery product or food, the competent minister may issue an export certificate pursuant to order of the competent ministry.
- (2) If a governmental organization of a country of destination calls for a prefectural governor, the mayor of a city that has a health center, or the mayor of a special ward (hereinafter referred to as the "governor or mayor") to issue an export certificate for an agricultural, forestry, or fishery product or food for which import conditions have been established, and an application has been filed by a business that is engaged in the export of that agricultural, forestry, or fishery product or food, a governor or mayor, pursuant to order of the competent ministry, may issue an export certificate for an agricultural, forestry, or fishery product or food that is produced, manufactured, processed, or distributed in the area under that governor's or mayor's jurisdiction.
- (3) A person seeking issuance of an export certificate from the competent minister pursuant to paragraph (1) must pay to the national government fees in the amount that Cabinet Order prescribes within a scope not exceeding actual costs.

(Designation of Conforming Areas)

- Article 16 (1) If a governmental organization of a country of destination calls for the competent minister to designate an area (including an area of sea; the same applies hereinafter in this paragraph and paragraph (6)) that conforms to the requirement that there be no risk of a harmful substance being incorporated into an agricultural, forestry, or fishery product or food during the course of its production, manufacture, processing, or distribution in that area and to any other such requirement that the government organizations of a

country of destination establish (hereinafter referred to as the "designation requirements" in this Article) (an area conforming to the designation requirements is hereinafter referred to as a "conforming area" in this Article and Article 34, paragraph (4), item (iii)) for anything that an order of the competent ministry prescribes as an agricultural, forestry, or fishery product or food whose production, manufacture, processing, or distribution in a conforming area has been established as an import condition (hereinafter referred to as "product or food whose import conditions include sourcing from an area that meets the designation requirements" in this Article and Article 34, paragraph (4), item (iii)) the competent minister, pursuant to order of the competent ministry, may designate a conforming area for a product or food whose import conditions include sourcing from an area that meets the designation requirements.

- (2) If the governmental organization of a country of destination calls for a governor or mayor to designate a conforming area for a product or food whose import conditions include sourcing from an area that meets the designation requirements, the governor or mayor, pursuant to order of the competent ministry, may designate, within the area under that governor's or mayor's jurisdiction, a conforming area for a product or food whose import conditions include sourcing from an area that meets the designation requirements.
- (3) Having designated a conforming area pursuant to the preceding two paragraphs, the competent minister or the governor or mayor is to regularly verify that the conforming area conforms to the designation requirements, pursuant to order of the competent ministry.
- (4) If the competent minister or a governor or mayor finds, as a result of a verification under the preceding paragraph, that a conforming area personally designated thereby pursuant to paragraph (1) or (2) no longer conforms to the designation requirements, the competent minister or governor or mayor in question is to revoke the designation or alter the conforming area.
- (5) Having designated a conforming area pursuant to paragraph (2) or having revoked a designation or altered a conforming area pursuant to the preceding paragraph, a governor or mayor must report this to the competent minister without delay, pursuant to order of the competent ministry.
- (6) The competent minister must compile and make public information on the conforming areas that the minister has designated pursuant to paragraph (1) (including conforming areas whose designations the minister has revoked and conforming areas which the minister has altered pursuant to paragraph (4), if applicable; the same applies hereinafter in this paragraph) and information on the conforming areas regarding which the minister has received reports under the preceding paragraph.

(Certification of Conforming Establishments)

- Article 17 (1) If a governmental organization of a country of destination calls for the competent minister to certify an establishment that conforms to the requirement that measures be taken to prevent the occurrence of food sanitation hazards and to any other such requirement that the government organizations of a country of destination establish (hereinafter referred to as the "certification requirements" in this Article) (an establishment conforming to the certification requirements is hereinafter referred to as a "conforming establishment") for anything that an order of the competent ministry prescribes as an agricultural, forestry, or fishery product or food whose production, manufacture, processing, or distribution at a conforming establishment has been established as an import condition (hereinafter referred to as an "a product or food whose import conditions include sourcing from an establishment that meets the certification requirements ", and an application has been filed by the establisher or manager of an establishment associated with a product or food whose import conditions include sourcing from an establishment that meets the certification requirements (hereinafter referred to simply as an "establisher or manager" in this Article and in Article 38), the competent minister, pursuant to order of the competent ministry, may certify a conforming establishment for a product or food whose import conditions include sourcing from an establishment that meets the certification requirements.
- (2) If a governmental organization of a country of destination calls for a governor or mayor to certify a conforming establishment for a product or food whose import conditions include sourcing from an establishment that meets the certification requirements, and an application has been filed by the establisher or manager of an establishment located in the area under the jurisdiction of that governor or mayor that is associated with a product or food whose import conditions include sourcing from an establishment that meets the certification requirements, the governor or mayor, pursuant to order of the competent ministry, may certify a conforming establishment for a product or food whose import conditions include sourcing from an establishment that meets the certification requirements.
- (3) If a governmental organization of a country of destination calls for a registered certifying body to certify a conforming establishment for a product or food whose import conditions include sourcing from an establishment that meets the certification requirements, and an application has been filed by the establisher or manager of an establishment that is associated with a product or food whose import conditions include sourcing from an establishment that meets the certification requirements, a registered certifying body, pursuant to order of the competent ministry, may certify a conforming establishment for a

product or food whose import conditions include sourcing from an establishment that meets the certification requirements.

- (4) Having certified a conforming establishment pursuant to the preceding three paragraphs, the competent minister, governor or mayor, or registered certifying body is to regularly verify that the conforming establishment satisfies the certification requirements, pursuant to order of the competent ministry.
- (5) If the competent minister, governor or mayor, or registered certifying body finds, as a result of the verification under the preceding paragraph, that a conforming establishment personally certified thereby pursuant to paragraphs (1) through (3) no longer conforms to the certification requirements, the competent minister, governor or mayor, or registered certifying body in question is to call for the establisher or manager of that conforming establishment to improve this, and is to revoke the certification if this is not improved even after the call for improvement.
- (6) Having certified a conforming establishment pursuant to paragraph (2) or (3) or having revoked a certification pursuant to the preceding paragraph, a governor or mayor or registered certifying body must report this to the competent minister without delay, pursuant to order of the competent ministry.
- (7) The competent minister must compile and make public information on the conforming establishments that the minister has certified pursuant to paragraph (1) (including establishments whose certifications the minister has revoked pursuant to paragraph (5), if applicable; the same applies hereinafter in this paragraph) and information on the conforming establishments regarding which the minister has received reports under the preceding paragraph (including as applied *mutatis mutandis* pursuant to Article 38, paragraph (6)).
- (8) An establisher or manager seeking to have an establishment certified by the competent minister pursuant to paragraph (1) must pay to the national government fees in the amount that Cabinet Order prescribes within a scope not exceeding actual costs.

(Registering Persons as Registered Certifying Bodies)

- Article 18 (1) A person seeking registration as a registered certifying body (hereinafter simply referred to as "registration") must file an application for registration with the competent minister, paying to the national government fees in the amount that Cabinet Order prescribes within a scope not exceeding actual costs, pursuant to order of the competent ministry.
- (2) If an application under the preceding paragraph has been filed and the Minister of Agriculture, Forestry and Fisheries finds it to be necessary to do so, the minister may have the Food and Agricultural Materials Inspection Center

(hereinafter referred to as "the Center") perform the necessary investigations into whether or not the application conforms to the requirements set forth in the items of Article 20, paragraph (1).

(Ineligibility)

Article 19 A person falling under one of the following items is not entitled to be registered:

- (i) a person that has been sentenced to a fine or heavier punishment for violating this Act or an administrative measure under this Act, if one year has not passed since the day on which that person finished serving the sentence or ceased to be subject to its enforcement;
- (ii) a person that has had a registration revoked pursuant to Article 30, paragraphs (1) through (3), if one year has not passed since the date of the revocation (if the person whose registration was revoked is a corporation, this means a person that, within the 30 days before the date of revocation, was an officer engaged in the business operations of the corporation associated with the revocation, if one year has not passed since the date of that revocation); and
- (iii) a corporation that has an officer engaged in its business operations who falls under either of the preceding two paragraphs.

(Registration Criteria)

Article 20 (1) If a person that has filed an application for registration pursuant to Article 18, paragraph (1) (referred to as "applicant for registration" in item (ii)) conforms to all the following requirements, the competent minister must register that person. This being the case, order of the competent ministry provides for the necessary procedures involved in registration:

- (i) the applicant for registration conforms to the criteria that order of the competent ministry prescribes as those that are necessary in order for the applicant to properly carry out certifications under Article 17, paragraph (3) and verifications under Article 17, paragraph (4) (hereinafter referred to as "certifications and verifications").
- (ii) the applicant for registration does not fall under any of the following as a person that is controlled by a person whose business it is to produce, sell, or similarly handle a product or food whose import conditions include sourcing from an establishment that meets the certification requirements (hereinafter referred to as a "dealer" in this item and Article 27, paragraph (2)):
 - (a) it is a stock company and has a dealer as its parent company (referring to the parent company provided in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005));
 - (b) it is a corporation, and the officers and employees of a dealer (including

- persons that were officers and employees of a dealer in the past two years) account for more than one half of its officers (or its executive managing members, if it is a membership company (meaning a membership company as provided in Article 575, paragraph (1) of the Companies Act)); and
- (c) the applicant for registration (or the officer who has the right to represent the applicant, if it is a corporation) is an officer or employee of a dealer (including a person who was the officer or employee of a dealer in the past two years).
- (2) The competent minister makes a registration by entering the following particulars in a register:
- (i) the date of registration and registration number;
 - (ii) the name and address of the registered certifying body, and if it is a corporation, the name of its representative;
 - (iii) the type of product or food whose import conditions include sourcing from an establishment that meets the certification requirements for which the registered certifying body carries out certifications and verifications; and
 - (iv) the locality of the place of business where the registered certifying body carries out certification and verification operations.
- (3) Having made a registration, the competent minister must issue public notice of the particulars set forth in the items of the preceding paragraph without delay.

(Renewal of Registration)

- Article 21 (1) Unless a registration is renewed at the intervals of not less than three years specified by Cabinet Order, it loses its validity upon the passage of the period in question.
- (2) The provisions of the preceding three Articles apply mutatis mutandis to a renewal of registration referred to in the preceding paragraph.
- (3) If an application to renew a registration as referred to in paragraph (1) has been filed but administrative measures have not been taken for that application by the date of expiration of the period referred to in that paragraph (hereinafter referred to as the "registration term" in this Article), the previous registration remains valid even after the expiration of the registration term until the measures are taken.
- (4) In the case referred to in the preceding paragraph, if the registration is renewed, the registration term for the renewed registration is to commence on the day following the date of expiration of the registration term for the previous registration.
- (5) If an application to renew a registration as referred to in paragraph (1) has not been filed by at least six months prior to the date of expiration of the registration term, or if a registration loses its validity pursuant to paragraph

(1), the competent minister must issue public notice of this without delay..

(Succession)

Article 22 (1) If a registered certifying body transfers all of the business associated with that registration, the person acquiring the business succeeds to the status of that registered certifying body; if a registered certifying body is subject to inheritance, the heir (or any person that all of the heirs have selected by consent as the heir who will take over the business, if there are two or more heirs) succeeds to the status of that registered certifying body; if a registered certifying body is subject to a merger (but only one in which it has another person succeed to all of the business associated with that registration), the corporation surviving the merger or established by the merger succeeds to the status of that registered certifying body; and if a registered certifying body is subject to a company split (but only one in which it has another person succeed to all of the business associated with that registration), or the corporation taking over all of its business as a result of the split succeeds to the status of that registered certifying body.

(2) A person succeeding to the status of a registered certifying body pursuant to the preceding paragraph must file a notification of this with the competent minister without delay, attaching a document evidencing this fact.

(3) Having received a notification under the preceding paragraph, the competent minister must issue public notice of this without delay.

(Performance of Certification and Verification Operations)

Article 23 (1) Having been called upon to carry out a certification or verification, a registered certifying body must carry out the certification or verification without delay, unless it has legitimate grounds for not doing so.

(2) A registered certifying body must carry out certification and verification operations fairly and in a manner that conforms to the criteria provided by order of the competent ministry.

(Filing Notification of a Change to the Place of Business)

Article 24 (1) If a registered certifying body seeks to change the locality of the place of business where it carries out certification and verification operations, it must file a notification of this with the competent minister at least two weeks prior to the date it seeks to change this.

(2) Having received a notification under the preceding paragraph, the competent minister must issue public notice of this without delay.

(Operating Rules)

Article 25 (1) A registered certifying body must establish rules for certification

and verification operations (referred to as "operating rules" in the following paragraph) and file them with the competent minister before the commencement of certification and verification operations. The same applies if it seeks to change them.

- (2) In the operating rules, a registered certifying body must prescribe how it implements certifications and verifications, how it calculates the fees associated with certifications and verifications, and other such particulars specified by order of the competent ministry.

(Suspension and Discontinuation of Operations)

Article 26 (1) If a registered certifying body seeks to suspend or discontinue all or part of its certification and verification operations, it must file a notification of this with the competent minister pursuant to order of the competent ministry at least six months prior to the date on which it seeks to suspend or discontinue them.

- (2) Having received a notification under the preceding paragraph, the competent minister must issue public notice of this without delay.

(Retention and Inspection of Financial Statements)

Article 27 (1) Within three months after the end of each business year, a registered certifying body must prepare an inventory of property, a balance sheet, a profit and loss statement or income and expenditure statement, and a business report for that business year (this includes electronic or magnetic records (meaning records used in computer data processing that are created in electronic form, magnetic form, or any other form that cannot be perceived with the human senses; the same applies hereinafter in this Article), if electronic or magnetic records are prepared in lieu of these written documents; referred to as "financial statements" in the following paragraph and Article 54, item (ii)) and retain them at its place of business for five years.

- (2) A dealer or any other such interested person may make the following requests at any time during the business hours of a registered certifying body; provided, however, that a dealer or other such interested person must pay the fees specified by the registered certifying body to make the request referred to in item (ii) or (iv):

- (i) a request to inspect or copy the document in question, if a financial statement has been prepared as a paper document;
- (ii) a request for a certified copy or extract of a document as referred to in the preceding item;
- (iii) a request to inspect or copy something that has been made to show the information recorded in the relevant electronic or magnetic record through the means prescribed by order of the competent ministry, if a financial

statement has been prepared as an electronic or magnetic record; and
(iv) a request to be provided with the information recorded in an electronic or magnetic record as referred to in the preceding item by electronic or magnetic means (meaning a means that order of the competent ministry prescribes of using an electronic information processing system or of employing other such information and communications technology) or a request to be issued a paper document giving that information.

(Order for Conformity)

Article 28 On finding that a registered certifying body has ceased to conform to one of the requirements set forth in the items of Article 20, paragraph (1), the competent minister may order it to take necessary measures to conform to those requirements.

(Order for Improvement)

Article 29 On finding that a registered certifying body is in violation of Article 23 or on finding the certifications or verifications it carries out to be inappropriate, the competent minister may order it to carry out certification or verification operations or to take the necessary measures to improve the way it carries out certifications and verifications or the way it carries out other such operations.

(Revocation of Registration)

Article 30 (1) If a registered certifying body comes to fall under one of the items of Article 19, the competent minister must revoke its registration.
(2) If a registered certifying body falls under one of the following items, the competent minister may revoke its registration or order it to suspend all or part of its certification and verification operations during a specified period not exceeding one year:
(i) if it violates Article 23, paragraph (1) of Article 24, paragraph (1) of Article 25, paragraph (1) of Article 26, paragraph (1) of Article 27, or the following Article;
(ii) if it refuses a request under Article 27, paragraph (2) without legitimate grounds for doing so;
(iii) if it violates an order under the preceding two Articles; and
(iv) if it was registered or had its registration renewed by wrongful means.
(3) Beyond as provided in the preceding two paragraphs, if, without legitimate grounds for doing so, a registered certifying body fails to commence the certification and verification operations associated with its registration even though one year has passed since the day it was registered, or if it has suspended certification and verification operations continuously for one year or

longer, the competent minister may revoke its registration.

(4) Having taken the administrative measure under the preceding three paragraphs, the competent minister must issue public notice of this without delay.

(Entry in Books)

Article 31 A registered certifying body must keep books, enter in these the particulars that order of the competent ministry prescribes in connection with certification and verification operations, and preserve them.

(Duty of Confidentiality)

Article 32 It is prohibited for a registered certifying body or a person who is or was its officer or employee to divulge any confidential information learned in connection with certification and verification operations or use this for the organization's, officer's, or employee's own benefit.

(Prohibition on Misleading Actions by Persons Not Constituting Registered Certifying Bodies)

Article 33 It is prohibited for a person that is not a registered certifying body to indicate, advertise, or take any other such action that would tend to mislead a person into believing that the operations it carries out are related to certifications and verifications.

Chapter VI Measures to Support Businesses That Are Working to Export Agricultural, Forestry, and Fishery Products and Food

(Certification of Export Project Plans)

Article 34 (1) A person or persons working to export an agricultural, forestry, or fishery product or food produced in Japan may independently or jointly prepare a plan for a project to rationalize, increase the sophistication of, or otherwise improve production, manufacturing, processing, or distribution to expand the export of an agricultural, forestry, or fishery product or food (hereinafter such a project is referred to as an "export project") (such a plan is referred to as an "export project plan" hereinafter in this Article and the following Article) and, pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries, may submit this to the Minister of Agriculture, Forestry and Fisheries and have it certified.

(2) An export project plan is to contain the following particulars:

(i) the objectives of the export project;

(ii) the agricultural, forestry, or fishery product or food subject to the export project and the countries of destination;

- (iii) the substance and implementation period of the export project;
 - (iv) the amount of funds needed to implement the export project and the way of procuring them; and
 - (v) other particulars provided by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) An export project plan may include the particulars of the following measures:
- (i) measures for rationalizing the distribution of a food or other product (meaning rationalizing the distribution of a food or other product as provided in Article 2, paragraph (3) of the Act on Rationalizing Distribution and Improving Transactional Propriety for Food and Other Products (Act No. 59 of 1991), as it relates to increasing the sophistication of quality assurance and sanitation control or as it relates to meeting domestic and foreign demand) implemented by a person engaging in business that involves the distribution of an agricultural, forestry, or fishery product or food; and
 - (ii) measures for increasing the sophistication of manufacturing process management (meaning increasing the sophistication of manufacturing process management as provided in Article 2, paragraph (2) of the Act on Temporary Measures for Increasing Sophistication in the Management of Food Manufacturing Processes (Act No. 59 of 1998)) implemented by a person in the food manufacturing or processing business provided for in Article 6, paragraph (1) of that Act.
- (4) If an application for certification as referred to in paragraph (1) has been filed and the export project plan conforms to all the following items, the Minister of Agriculture, Forestry and Fisheries grants a certification:
- (i) the export project plan is appropriate in light of the basic policy;
 - (ii) the export project is expected to be carried out in a reliable manner;
 - (iii) the agricultural, forestry, or fishery product or food associated with the export project is produced, manufactured, processed, or distributed in a conforming area designated under Article 16, paragraph (1) or (2) (or in the altered conforming area, if the conforming area in question has been altered pursuant to Article 16, paragraph (4)), if it is a product or food whose import conditions include sourcing from an area that meets the designation requirements;
 - (iv) the agricultural, forestry, or fishery product or food associated with the export project is produced, manufactured, processed, or distributed by a conforming establishment certified pursuant to Article 17, paragraphs (1) through (3), if it is a product or food whose import conditions include sourcing from an establishment that meets the certification requirements;
 - (v) the export project plan conforms to all of the items of Article 5, paragraph (3) of the Act on Rationalizing Distribution and Improving Transactional Propriety for Food and Other Products, if it contains the particulars of the

- measures set forth in item (i) of the preceding paragraph; and
- (vi) the export project plan conforms to the criteria that Order of the Ministry of Agriculture, Forestry and Fisheries prescribes as being appropriate in light of the basic policy provided for in Article 3, paragraph (1) of the Act on Temporary Measures for Increasing Sophistication in the Management of Food Manufacturing Processes, if the plan contains the particulars of the measures set forth in item (ii) of the preceding paragraph.
- (5) Having received an application for the certification referred to in paragraph (1), the Minister of Agriculture, Forestry and Fisheries must notify the Minister who has jurisdiction over the business that is the subject of the export project plan for which that application has been filed (referred to as the "competent minister for the business" in the following paragraph) of the substance of the application without delay.
- (6) Having been notified as under the preceding paragraph, and on finding it to be necessary to do so, the competent minister for the business may give an opinion to the Minister of Agriculture, Forestry and Fisheries.

(Alteration of an Export Project Plan; Related Matters)

- Article 35 (1) Before seeking to alter an export project plan that has been certified as referred to in paragraph (1) of the preceding Article, the person that had the plan certified (hereinafter referred to as a "certified commercial exporter") is to have the alteration certified by the Minister of Agriculture, Forestry and Fisheries.
- (2) On finding that a certified commercial exporter is not implementing an export project in accordance with the export project plan to which its certification pertains (or the altered export project plan, if an alteration has been certified pursuant to the preceding paragraph; hereinafter referred to as the "certified export project plan"), the Minister of Agriculture, Forestry and Fisheries may revoke the certification.
- (3) The provisions of paragraph (4) through (6) of the preceding Article apply mutatis mutandis to the certification of an alteration under paragraph (1).

(Special Exceptions to the Act on Rationalizing Distribution and Improving Transactional Propriety for Food and Other Products)

- Article 36 If an export project implemented in accordance with a certified export project plan (referred to as a "certified export project" in the following Article) includes the measures set forth in Article 34, paragraph (3), item (i), the certified commercial exporter is deemed to be the certified project implementer provided for in Article 6, paragraph (1) of the Act on Rationalizing Distribution and Improving Transactional Propriety for Food and Other Products, the certified export project plan (limited to the part that concerns those measures)

is deemed to be the certified plan provided for in paragraph (2) of that Article, the export project (limited to the part that concerns those measures) is deemed to be the project to rationalize the distribution of food and other products that is provided for in Article 4, paragraph (2), item (i) of that Act, and the provisions of Chapter II, Section 3, Subsection 1 and 2 and Section 4 of that Act (including penal provisions related thereto) apply.

(Special Exceptions to the Act on Temporary Measures for Increasing Sophistication in the Management of Food Manufacturing Processes)

Article 37 If a certified export project includes the measures specified in Article 34, paragraph (3), item (ii), the certified commercial exporter is deemed to be the person that has been certified as referred to in Article 6, paragraph (1) of the Act on Temporary Measures for Increasing Sophistication in the Management of Food Manufacturing Processes, the certified export project plan (limited but only the part that concerns those measures) is deemed to be the certified sophistication plan provided for in Article 7, paragraph (2), and the provisions of Article 10 of that Act apply.

Chapter VII Miscellaneous Provisions

(Collection of Reports from Persons That Have Been Issued Export Certificates; Related Matters)

Article 38 (1) To the extent necessary for the enforcement of the provisions of Chapter V, Section 1, the competent minister may ask a person that has been issued an export certificate pursuant to Article 15, paragraph (1) or (2) or the establisher or manager of a conforming establishment that has been certified pursuant to Article 17, paragraphs (1) through (3) to submit the necessary reports, books, documents, or other objects; or may have the relevant officials enter such a person's offices or place of business or any other such place where the person does business (hereinafter collectively referred to as the person's "business place") to investigate the status of that business place or the person's books, documents, and other objects or to question employees or other concerned persons.

(2) To the extent necessary for the enforcement of the provisions of Chapter V, Section 1, a governor or mayor may ask a person that has been issued an export certificate pursuant to Article 15, paragraph (2) or the establisher or manager of a conforming establishment that has been certified pursuant to Article 17, paragraph (2) to submit the necessary reports, books, documents, or other objects; or may have the relevant officials enter the business place of the relevant person to inspect the status of that business place or the person's books, documents, and other objects or to question employees or other

concerned persons.

- (3) An official conducting an on-site inspection or questioning pursuant to the preceding two paragraphs must carry identification and present it to the persons concerned upon request.
- (4) The authority to conduct on-site inspections and questioning pursuant to paragraph (1) and (2) must not be interpreted as being granted for the purpose of a criminal investigation.
- (5) If a person that has been issued an export certificate pursuant to Article 15, paragraph (1) or (2) or the establisher or manager of a conforming establishment that has been certified pursuant to Article 17, paragraph (1) or (2) fails to submit a report or object under paragraph (1) or (2) or submits a false report or object; refuses, obstructs, or avoids an on-site inspection under those provisions; or refuses to answer the questions under those provisions or gives a false answer, the competent minister or the governor or mayor may revoke the export certificate personally issued thereby or revoke the certification of a conforming establishment personally granted thereby.
- (6) The provisions of Article 17, paragraph (6) apply mutatis mutandis to the revocation of a conforming establishment's certification under the preceding paragraph.

(Collection of Reports from Registered Certifying Bodies)

- Article 39 (1) To the extent necessary for the enforcement of the provisions of Chapter V, the competent minister may ask a registered certifying body or a business affiliated with that organization and its operations to submit the necessary reports, books, documents, or other objects; or may have the relevant officials enter the business place of the registered certifying body or affiliate to inspect the status of certification and verification operations or its books, documents, and other objects or to question employees or other concerned persons.
- (2) The provisions of paragraph (3) and (4) of the preceding Article apply mutatis mutandis to on-site inspections and questioning under the preceding paragraph.

(On-site Inspections by the Center)

- Article 40 (1) On finding it to be necessary to do so in a case as referred to in paragraph (1) of the preceding Article, the Minister of Agriculture, Forestry and Fisheries may have the Center enter the business place of a registered certifying body or a business that is affiliated with that organization and its operations to inspect the status of certification and verification operations or its books, documents, and other objects or to question employees or other concerned persons.

- (2) When having the Center conduct an on-site inspection or questioning pursuant to the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries, in instructing the Center to implement the on-site inspection or questioning, is to indicate the date and place of the on-site inspection or questioning and other necessary particulars.
- (3) Having conducted an on-site inspection or questioning under the instructions provided in the preceding paragraph pursuant to paragraph (1), the Center must report the result thereof to the Minister of Agriculture, Forestry and Fisheries pursuant to order of the Ministry of Agriculture, Forestry and Fisheries.
- (4) The provisions of Article 38, paragraph (3) and (4) apply mutatis mutandis to on-site inspections and questioning under paragraph (1).

(Order to the Center)

Article 41 The Minister of Agriculture, Forestry and Fisheries may give the Center the necessary orders in connection with the operations involving an on-site inspection or questioning under paragraph (1) of the preceding Article, on finding that it is necessary to do so to ensure the proper implementation of those operations.

(Collection of Reports from Certified Commercial Exporters)

Article 42 The Minister of Agriculture, Forestry and Fisheries may request that a certified commercial exporter submit a report on the status of implementation of the certified export project plan.

(Competent Ministers and Orders of the Competent Ministries)

Article 43 (1) The competent minister referred to in this Act is the Minister of Agriculture, Forestry and Fisheries, the Minister of Finance, or the Minister of Health, Labour and Welfare, as prescribed by Cabinet Order.

(2) The order of the competent ministry referred to in this Act is an order issued by the competent minister.

(Delegation of Authority)

Article 44 The authority of the Minister of Agriculture, Forestry and Fisheries that is provided for in this Act may be delegated to the head of a local branch office pursuant to order of the Ministry of Agriculture, Forestry and Fisheries; the authority of the competent minister that is provided for in this Act may be delegated to the head of a local branch office pursuant to order of the competent ministry.

(Classification of Administrative Functions)

Article 45 An administrative function that a local government handles pursuant to Article 38, paragraph (2) constitutes an item (i) statutory entrusted function as prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

(Delegation to Order of the Ministry of Agriculture, Forestry and Fisheries)

Article 46 Beyond as provided in this Act, Order of the Ministry of Agriculture, Forestry and Fisheries or order of the competent ministry prescribes the procedures for implementing this Act and other necessary particulars connected with this Act's entry into effect.

Chapter VIII Penal Provisions

Article 47 Having violated an order under Article 30, paragraph (2), the violating registered certifying body (or its representative, if that registered certifying body is a corporation) or the violating agent, employee, or other such worker of that organization is subject to imprisonment for not more than one year or to a fine of not more than 1 million yen.

Article 48 A person divulging confidential information learned in the course of duty or using that information for the person's own benefit, in violation of Article 32, is subject to imprisonment for not more than one year or to a fine of not more than 500,000 yen.

Article 49 A person failing to submit a report or object under Article 39, paragraph (1) or submitting a false report or false object; refusing, obstructing, or avoiding an inspection under Article 39, paragraph (1) or Article 40, paragraph (1); or failing to answer a question under those provisions or giving a false answer is subject to a fine of not more than 500,000 yen.

Article 50 If one of the following violations has occurred, the violating registered certifying body (or its representative, if that registered certifying body is a corporation) or the violating agent, employee, or other such worker of that organization is subject to a fine of not more than 500,000 yen:

- (i) if the person fails to submit a report under Article 17, paragraph (6) or has submitted a false report;
- (ii) if the person suspends or discontinues all or part of operations without filing a notification under Article 26, paragraph (1), or if the person files a false notification; and
- (iii) if the person fails to make entries in books under Article 31, makes false entries therein, or fails to retain them.

Article 51 A person failing to submit a report under Article 42 or submitting a false report is subject to a fine of not more than 300,000 yen.

Article 52 (1) If the representative or manager of a corporation (including an association or foundation without judicial personality that has a representative or a manager; the same applies hereinafter in this paragraph), or the agent, employee, or other such worker of a corporation or individual has committed a violation as referred to in Article 47 or the preceding three Articles in connection with the operations of that corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the relevant Article.

(2) When the provisions of the preceding paragraph apply to an association or foundation without judicial personality, the representative or manager represents it with regard to procedural acts and the provisions of laws concerning criminal proceedings that are applicable when a corporation is the defendant or a suspect apply mutatis mutandis.

Article 53 Having violated an order issued pursuant to Article 41, the officer of the Center who committed that violation is subject to a civil fine of not more than 200,000 yen.

Article 54 A person falling under one of the following items is subject to a civil fine of not more than 200,000 yen:

- (i) a person failing to file a notification under Article 22, paragraph (2) or filing a false notification; and
- (ii) a person failing to retain financial statements, failing to enter the particulars required to be entered in financial statements, or making false entries, in violation of Article 27, paragraph (1); or a person refusing a demand under Article 27, paragraph (2) without legitimate grounds for doing so.

Supplementary Provisions [Act No. 57 of November 27, 2019] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2020.