

# Industrial Standardization Act

((Act No. 185 of June 1, 1949))

Chapter I General Provisions (Articles 1 and Article 2)

Chapter II Japanese Industrial Standards Committee (Articles 3 through Article 10)

Chapter III Establishment of Japanese Industrial Standards (Articles 11 through Article 21)

Chapter IV Accreditation of Industrial Standards Developing Organizations (Articles 22 through Article 29)

Chapter V Certification of Conformity with the Japanese Industrial Standards of Mineral or Industrial Products

Section 1 Labeling of Conformity with the Japanese Industrial Standards (Articles 30 through Article 38)

Section 2 Accreditation of Certification Bodies (Articles 39 through Article 44)

Section 3 Domestic Accredited Certification Bodies (Articles 45 through Article 54)

Section 4 Foreign Accredited Certification Bodies (Articles 55 and Article 56)

Chapter VI Product Testing (Articles 57 through Article 68)

Chapter VII Miscellaneous Provisions (Articles 69 through Article 77)

Chapter VIII Penal Provisions (Articles 78 through Article 84)

Supplementary Provisions

## Chapter I General Provisions

(Purpose of the Act)

Article 1 The purpose of this Act is to promote industrial standardization by establishing and disseminating appropriate and reasonable industrial standards, and to promote international standardization through contribution to the establishment of international standards, thereby improving the quality of, increasing and, rationalizing the production of, rationalizing the use or consumption of minerals or industrial products etc., and making transactions of those minerals or industrial products, etc. simple and fair, as well as to contribute to the improvement of public welfare.

(Definitions)

Article 2 (1) In this Act, the term "industrial standardization" means to harmonize or simplify the particulars set forth in the following items on a

nationwide scale, and the term "industrial standards" means the standards for industrial standardization:

- (i) types, models, figures, dimensions, structures, equipment, quality, grades, components, performance, durability or safety of mineral or industrial products (excluding pharmaceuticals, agricultural chemicals, chemical fertilizers and silk yarn, as well as agricultural and forestry products (as defined in Article 2, paragraph (1) of the Act on Japanese Agricultural Standards (Act No. 175 of 1950), the same applies in item (x)); the same applies hereinafter);
  - (ii) methods of production, design, drafting or use of mineral or industrial products or basic units thereof, or operation procedures or safety conditions for producing products;
  - (iii) types, models, figures, dimensions, structures, performance or grades of packages of mineral or industrial products, or methods for the packaging of the products;
  - (iv) methods of testing, analysis, appraisal, inspection, examination or measurement of mineral or industrial products
  - (v) terms, abbreviations, symbols, signs, standard numbers or units related to mining or industrial technologies
  - (vi) type, structure, quality, grade or performance of programs or other electronic or magnetic records (meaning records created in an electronic method, magnetic method or any other method that cannot be perceived through human senses alone, and which are created for the purpose of information processing by computers) (hereinafter referred to as "electronic or magnetic records");
  - (vii) methods of creation or use of electronic or magnetic records;
  - (viii) methods of testing or measurement of electronic or magnetic records;
  - (ix) design of or methods of construction of buildings or other structures, or safety conditions thereof;
  - (x) types, content, quality or grades of services (excluding services regarding the sale or other handling of agricultural and forestry products; the same applies hereinafter);
  - (xi) methods of evaluation or assessment of the content or quality of services;
  - (xii) terms, abbreviations, symbols, signs or units related to services;
  - (xiii) essential capabilities to provide services;
  - (xiv) methods of business management by business operators (excluding methods of business management as defined in Article 2, paragraph (2), item (ii) of the Act on Japanese Agricultural Standards); and
  - (xv) matters specified by order of the competent ministry as equivalent to any of those set forth in items (i) through (xiv).
- (2) In this Act, the term "international standardization" means to harmonize or

simplify the matters set forth in paragraph (1), items (i) through (xv) on an international scale, and the term "international standards" means the standards for international standardization.

## **Chapter II Japanese Industrial Standards Committee**

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

(2) In response to consultations from relevant ministers, the Committee may deliberate on matters within its authority in accordance with this Act, as well as on the promotion of industrial and international standardization, and reports the results or make proposals to the relevant ministers.

Article 4 (1) The Committee is composed of up to 30 committee members.

(2) Committee members are appointed by the Minister of Economy, Trade and Industry by recommendations of the relevant ministers, selected from among persons with relevant knowledge and experience in accordance with the recommendations by relevant ministers.

(3) The term of office of a committee member is two (2) years. This does not preclude a committee member from being dismissed within their term of office under special circumstances.

Article 5 (1) The Committee is headed by a chairperson who is elected by consensus of the committee members.

(2) The chairperson is responsible for all Committee matters.

Article 6 (1) If necessary, ad-hoc committee members may be appointed to deliberate on specific matters.

(2) The provisions of Article 4, paragraph (2) apply mutatis mutandis to ad-hoc committee members.

(3) Ad-hoc committee members resign upon the completion of deliberations on relevant specific matters.

Article 7 (1) Experts committee members may be appointed to the Committee.

(2) Experts committee members conduct research on technical matters as instructed by the chairperson.

(3) Experts committee members are appointed by the Minister of Economy, Trade and Industry in response to proposals from the chairperson.

(4) Experts committee members resign upon the completion of research on the relevant technical matters within their expertise.

Article 8 Committee members, ad-hoc committee members, and experts committee members are to be provided with allowances and travel expenses as specified in the government budget.

Article 9 Deleted

Article 10 Beyond what is provided for in the National Public Service Act (Act No. 120 of 1947) and Articles 3 through Article 8, necessary matters regarding the Committee are specified by Order of the Ministry of Economy, Trade and Industry.

### **Chapter III Establishment of Japanese Industrial Standards**

(Establishment of Industrial Standards)

Article 11 The competent minister must go through the Committee deliberation process to establish any industrial standard.

Article 12 (1) An interested person may, as specified by order of the competent ministry, propose to the competent minister to establish an industrial standard by attaching a draft of that proposal.

(2) If the competent minister receives a proposal pursuant to the provisions of paragraph (1) and the minister recognizes that the proposed industrial standard regarding the proposal should be established, the minister must submit the draft industrial standard to the Committee for deliberation, except where the minister orders an accredited industrial standards developing organization (meaning accredited industrial standards developing organization prescribed in Article 24, paragraph (1); the same applies in Article 14, paragraph (1) and paragraph (3), Article 15, paragraph (1), and Article 18) to develop and submit a draft proposed industrial standard pursuant to the provisions of Article 15, paragraph (1). If the minister concludes that it is unnecessary to establish the proposed industrial standard, the minister must notify the proposer to that effect together with the reason thereof.

(3) The competent minister must seek opinions of the Committee before notifying the proposer pursuant to the provisions of paragraph (2).

Article 13 (1) The Committee must deliberate on draft industrial standards and report the results of the deliberations to the competent minister in accordance with the procedures specified by order of the competent ministry.

(2) The competent minister must establish that industrial standard, if the competent minister recognizes is appropriate, that the industrial standard that

the Committee endorsed to be established reflects the interests of all interested persons and does not unfairly discriminate any persons under similar conditions in applying the industrial standard.

Article 14 (1) An accredited industrial standards developing organization may propose to the competent minister the establishment of an industrial standard and attach a draft thereof as specified by order of the competent ministry.

(2) If the competent minister who receives a proposal pursuant to the provisions of paragraph (1) recognizes that the draft of the industrial standard regarding that proposal reflects the interests of all interested persons and does not unfairly discriminate any persons under similar conditions in applying the industrial standard thus appropriate, and therefore concludes that the proposed industrial standard should be established, the competent minister must establish that industrial standard. In such a case, the provisions of Article 11 do not apply.

(3) If the competent minister receives a proposal pursuant to the provisions of paragraph (1) and concludes that it is unnecessary to establish the proposed industrial standard, the minister must notify the accredited industrial standards developing organization that made the proposal, to that effect together with the reason therefor.

Article 15 (1) If recognizing it as necessary for the promotion of industrial standardization, the competent minister may order an accredited industrial standards developing organization to develop and submit a draft (limited to those within the scope of drafts of industrial standards referred to in Article 22, paragraph(2), item(ii) pertaining to the accreditation of the relevant industrial standards developing organization set forth in the same Article, paragraph(1)).

(2) If the competent minister receives the submission referred to in paragraph (1), and recognizes that the submitted draft reflects the interests of all interested persons and does not unfairly discriminate any persons under similar conditions in applying the industrial standard, and the minister finds it to be appropriate, the competent minister must establish that industrial standard. In this case, the provisions of Article 11 do not apply.

(Confirmation, Revision and Withdrawal of an Industrial Standard)

Article 16 The provisions from Article 11 through Article 15 apply mutatis mutandis to the confirmation, revision or withdrawal of an industrial standard.

Article 17 On or before the day on which five years have passed from the date on which the competent minister established, confirmed, or revised an industrial standard pursuant to the provisions of Article 11 (including as cases applied

mutatis mutandis pursuant to the provisions of in Article 16), the minister must have the Committee deliberate on whether or not the industrial standards remains appropriate, and must promptly confirm the deliberations, and revise or withdraw that industrial standard if it is recognized necessary.

Article 18 (1) The competent minister must order that accredited industrial standards developing organization that conducted its proposal pursuant to the provisions of Article 14, paragraph (1) or its submission pursuant to the provisions of Article 15, paragraph (1) (including cases where those provisions apply mutatis mutandis in Article 16 ) regarding the relevant industrial standard (referred to as "proposal, etc." in paragraph (3)), to evaluate as to whether or not that industrial standard enacted pursuant to the provisions of Article 14, paragraph (2) or Article 15, paragraph (2) (including cases where those provisions apply mutatis mutandis in article16, paragraph(1)) remains appropriate, and to report the results of the evaluation on or before the day on which five years have passed from the date of the establishment, confirmation or revision of the industrial standard.

(2) If the competent minister receives the report on the results of the evaluation from the accredited industrial standards developing organization pursuant to the provisions of paragraph (1), the competent minister must promptly confirm or, if it is recognized necessary, revise or withdraw the industrial standard in response to that report. In this case, the provisions of Article 11 that apply mutatis mutandis in Article 16 do not apply.

(3) In the case referred to in paragraph (1), if the accredited industrial standards developing organization that conducted the proposal, etc. regarding the industrial standard has not renewed the accreditation as referred to in Article 23, paragraph (1), or gave notification of discontinuation of business pursuant to the provisions of Article 25, or has its accreditation withdrawn pursuant to the provisions of Article 27, or if it is otherwise found not appropriate to order the evaluation to the accredited industrial standards developing organization, the industrial standards which have been established, confirmed or revised by the accredited industrial standards developing organization are deemed to be confirmed, revised or withdrawn by the competent minister pursuant to the provisions of Article 11 (including cases where those provisions apply mutatis mutandis in Article 16), and the provisions of the preceding Article apply.

(Public Notice)

Article 19 Upon the establishment, confirmation, revision or withdrawal of an industrial standard, the competent minister must make that fact public.

(Japanese Industrial Standards)

Article 20 (1) Industrial standards established pursuant to the provisions of Article 11, Article 14, paragraph (2) or Article 15, paragraph (2) are referred to as the Japanese Industrial Standards.

(2) No person may claim adherence to Japanese Industrial Standards, nor use any misleading naming implying adherence to Japanese Industrial Standards for items that don't meet industrial standards established pursuant to the provisions of Article 11, Article 14, paragraph (2) or Article 15, paragraph (2).

(Public Hearings)

Article 21 (1) The competent minister may hold a public hearing to hear the opinions of relevant stakeholders if recognizing this as necessary for industrial standardization.

(2) The Committee or any interested party with respect to an industrial standard may request the competent minister to hold a public hearing concerning whether that industrial standard reflects the interests of all interested parties or does not unfairly discriminate any persons under similar conditions in applying that industrial standard.

(3) If a request pursuant to the provisions of paragraph (2) is made, the competent minister must hold a public hearing.

(4) If the competent minister examines facts clarified at a public hearing and recognizes that it is necessary to revise an industrial standard, the competent minister must submit the industrial standard to the Committee for deliberation on the potential revision of that industrial standard.

(5) Matters for which a public hearing is necessary, unless specified in paragraph (1) through paragraph (4), are specified by Order of the competent ministry

#### **Chapter IV Accreditation of Industrial Standards Developing Organizations**

(Accreditation)

Article 22 (1) An entity may apply for accreditation from the competent minister to develop drafts of industrial standards.

(2) An applicant for the accreditation referred to in paragraph (1) must submit a set of application documents including the following details as specified by order of the competent ministry to the competent minister:

(i) name and address of the applicant, as well as the names of its representative and officers if the applicant is a corporation;

(ii) scope of drafts of industrial standards to be developed;

(iii) details concerning the knowledge and capabilities of persons to be engaged in the development process of drafts of industrial standards (hereinafter referred to as "industrial standards development process");

- (iv) methods and procedures of the industrial standards development process;  
and
  - (v) structure of organization including the allocation of resources for the industrial standards development process.
- (3) If the competent minister concludes that an application for the accreditation as referred to in paragraph (1) conforms to the following accreditation criteria, the competent minister must grant accreditation:
- (i) the applicant is not any of the following:
    - (a) an entity which violated the provisions of this Act or a disposition under this Act and was ordered to pay a fine or subjected to a heavier penalty, and two years have not yet passed since the date of the end of the sentence;
    - (b) an entity for which accreditation as referred to in paragraph (1) was withdrawn pursuant to the provisions of Article 27, and two years have not yet passed since the date of the withdrawal of accreditation; or
    - (c) a corporation in which any of its officers falls under any of (a) or (b).
  - (ii) a person engaged in an industrial standards development process must conform to the criteria as specified by order of the competent ministry as a person who has full knowledge of and capability for the industrial standards development process; and
  - (iii) the methods and procedures as well as organization structure for the industrial standards development process must conform to the criteria as specified by order of the competent ministry for proper and smooth operation of the industrial standards development.

#### (Renewal of Accreditation)

- Article 23 (1) Unless the accreditation as referred to in Article 22, paragraph (1) is renewed for each period of not less than three years as specified by Cabinet Order, accreditation expires at the lapsing of that period.
- (2) The provisions of Article 22, paragraphs (2) and paragraph (3) apply mutatis mutandis to a renewal of the accreditation as referred to in paragraph (1).

#### (Approval for Changes)

- Article 24 (1) If an entity which has obtained the accreditation as referred to in Article 22, paragraph (1) (hereinafter referred to as "accredited industrial standards developing organization") requires to change any of the matters set forth in Article 22, paragraph (2), items (ii) through (v), the entity must obtain approval from the competent minister; provided, however, that this does not apply to the minor changes as specified by order of the competent ministry.
- (2) An entity seeking the approval as referred to in paragraph (1) must submit a set of documents stating matters with respect to the change to the competent minister as specified by order of the competent ministry.



- (3) The provisions of Article 22, paragraph (3) (limited to the portion pertaining to item (ii) and item (iii)) apply mutatis mutandis to the approval of the change as referred to in paragraph (1).
- (4) If an accredited changes the matter set forth in Article 22, paragraph (2), item (i), or makes any minor changes as specified by order of the competent ministry as referred to in paragraph (1), it must notify the competent minister to that effect without delay.

(Notification of Discontinuation of Business)

Article 25 If an accredited industrial standards developing organization intends to discontinue accredited operations, the organization must notify the competent minister to that effect in advance as specified by order of the competent ministry.

(Order for Improvement)

Article 26 If the competent minister recognizes that it is necessary to amend the management of the industrial standards development process by an accredited industrial standards developing organization, the competent minister may order the accredited industrial standards developing organization to take necessary measures for improvement.

(Withdrawal of Accreditation)

Article 27 If an accredited industrial standards developing organization falls under any of the following items, the competent minister may withdraw the Accreditation:

- (i) if the accredited industrial standards developing organization opposed the orders pursuant to the provisions of Article 15, paragraph (1), Article 18, paragraph (1) or Article 26;
- (ii) if the accredited industrial standards developing organization has obtained the accreditation as referred to in Article 22, paragraph (1), or the renewal of the accreditation as referred to in Article 23, paragraph (1), or the approval for changes as referred to in Article 24, paragraph (1) by wrongful means;
- (iii) if the accredited industrial standards developing organization falls under Article 22, paragraph (3), item (i), (a) or (c);
- (iv) if the accredited industrial standards developing organization has ceased to conform to the criteria as specified in Article 22, paragraph (3), item (ii) or item (iii); or
- (v) if the accredited industrial standards developing organization violated the provisions of Article 24, paragraph (1) or paragraph (4), or Article 28.

(Bookkeeping and Records)

Article 28 accredited industrial standards developing organizations must prepare and keep books containing records of the matters concerning the industrial standards development process, and must maintain those books, as specified by order of the competent ministry.

(Order for Reports and On-Site Inspections)

Article 29 (1) If the competent minister recognizes that it is necessary in order to enforce this Act, the competent minister may order an accredited industrial standards developing organization to submit a report on the industrial standards development process. The competent minister may also have ministry officials enter the premises of the accredited industrial standards developing organization and conduct on-site inspections of the industrial standards development process or books, documents or other relevant items.

(2) Ministry officials who conduct on-site inspections pursuant to the provisions of paragraph (1) must carry professional identification and present it if requested by relevant persons.

(3) The authority relating to the on-site inspection as referred to in paragraph (1) may not be interpreted as being for the purpose of criminal investigations.

## **Chapter V Certification of Conformity with the Japanese Industrial Standards of Mineral or Industrial Products**

### **Section 1 Labeling of Conformity with Japanese Industrial Standards**

(Labeling of Mineral or Industrial Products Conforming with Japanese Industrial Standards)

Article 30 (1) A manufacturer of mineral or industrial products may, upon obtaining certification from a certification body accredited by the competent minister, affix to the products or their packaging, containers or invoices, a special label showing that the products conform to the relevant Japanese Industrial Standards in accordance with the method specified in order of the competent ministry.

(2) An importer or distributor of mineral or industrial products may, upon obtaining certification from a certification body accredited by the competent minister, affix the label as referred to in paragraph (1) to the products or their packaging, containers or invoices to be imported or put on market.

(3) The certification as referred to in paragraph (1) and paragraph (2) is to be granted by examining whether or not the mineral or industrial products conform to the relevant Japanese Industrial Standards through conducting product testing (meaning test, analysis, or measurement as specified in the Japanese Industrial Standards; the same applies hereinafter), among the mineral and industrial products to be used in the test, pertaining to the

application by the manufacturer, importer or distributor of mineral or industrial products (hereinafter referred to as "manufacturer, etc.") and by assessing whether or not the quality management system (meaning production system required for maintaining the quality of the product, including manufacturing facilities, testing facilities, test methods, quality management methods, etc.; the same applies hereinafter) of the manufacturer of the products conforms to the criteria as specified by order of the competent ministry; provided, however, that if the examination of the products is conducted through a full inspection, the assessment of the quality management system of the manufacturer of the products may be omitted.

(Labeling of the Conformity of Processing Technology with the Japanese Industrial Standards)

Article 31 (1) A processor of mineral or industrial products may, upon obtaining certification from a certification body accredited by the competent minister, affix to the products, packages, container or invoices processed with the processing technologies regarding the relevant certification, the special label in accordance with the method specified in order of the competent ministry.

(2) The certifications as referred to in paragraph (1) are to be granted by examining whether or not processing technologies regarding the application of the processor of mineral or industrial products conform to the Japanese Industrial Standards through conducting product testing, and by assessing whether or not the quality management system regarding the application of that processor (meaning product processing system required for maintaining quality of the product, including processing facilities, testing facilities, test methods, quality management methods, etc.; the same applies in Article 35, paragraph (2) and Article 36, paragraph (2)) conform to the criteria as specified by order of the competent ministry.

(Labeling of Conformity of Electronic or Magnetic Records with Japanese Industrial Standards)

Article 32 (1) An entity conducting the business of producing electronic or magnetic records (hereinafter referred to as "electronic or magnetic records producing company") may, upon obtaining certification from a certification body accredited by the competent minister, affix a special label that indicates its conformity to Japanese Industrial Standards in manner specified by order of the competent ministry to a document in the form of an electronic or magnetic record regarding the certification (or anything indicating the content of the electronic or magnetic records when that document is prepared in an electronic or magnetic form; hereinafter referred to as "document in electronic or magnetic format") or to a recording medium with the electronic or magnetic

records regarding the certification or on its package, container or invoice.

- (2) A distributor of electronic or magnetic records may, upon obtaining certifications from a certification body accredited by the competent minister, affix the label referred to in paragraph (1) to the document in electronic or magnetic related to the electronic or magnetic records regarding the certification.
- (3) An importer or distributor of recording media with electronic or magnetic records recorded in them may, upon obtaining certifications from a certification body accredited by the competent minister, affix the label referred to in paragraph (1) to the recording media with electronic or magnetic records regarding the relevant certification or their packaging, containers or invoices.
- (4) The certifications as referred to in paragraph (1) through paragraph (3) are to be granted by examining whether or not the electronic or magnetic records conform to the Japanese Industrial Standards through conducting electronic or magnetic records testing (meaning test or measurement of electronic or magnetic records as specified in the Japanese Industrial Standards; the same applies in Article 41, paragraph (2), item (v)) among the electric or magnetic record to be used in the test, pertaining to the application by the producer or distributor of electric or magnetic record, or the importer or distributor of the recording medium in question (hereinafter referred to as "electric or magnetic records producing company, etc.") and by assessing whether or not the quality management system (meaning quality management methods and other conditions required for maintaining quality of the electronic or magnetic records ; the same applies in Article 35, paragraph (3) and Article 36, paragraph (3)) conform to the criteria as specified by order of the competent ministry.

(Labeling of Conformity of Services with Japanese Industrial Standards)

- Article 33 (1) An entity conducting the business of providing a service (hereinafter referred to as "service provider") may, upon obtaining certificates from a certification body accredited by the competent minister, affix to documentation in relation to the service it provides (or anything indicating the content of the service when that document is prepared in an electronic or magnetic form; hereinafter referred to as "service-related documentation"), the special label in accordance with the method specified in order of the competent ministry.
- (2) The certifications as referred to in paragraph (1) are to be granted by examining whether or not the service conforms to the Japanese Industrial Standards through evaluation of the service (meaning test or evaluation as specified in the Japanese Industrial Standards )pertaining to the application of the service provider, and by assessing whether or not the quality management

system (meaning methods of quality management and other conditions required for maintaining quality of the service; the same applies in Article 35, paragraph (4) and Article 36, paragraph (4)) pertaining to the application of that service provider conform to the criteria as specified by order of the competent ministry.

(Prohibition of Labeling Conformity with Japanese Industrial Standards)

Article 34 Except for the cases as specified in Article 30, paragraph (1) or paragraph (2), Article 31, paragraph (1), Article 32, paragraphs (1) through paragraph (3) or Article 33, paragraph (1), no person may affix to the mineral or industrial products or their packaging, containers or invoices, documents in electronic or magnetic format or recording media with electronic or magnetic records or their packaging, containers or invoices, or the service-related documentation, the label nor any misleading label.

(Order for Reports and On-site Inspections)

- Article 35 (1) If recognizing it as necessary in order to enforce this Act, the competent minister may order the manufacturer, etc. that has obtained the certifications as referred to in Article 30, paragraph (1) or paragraph (2) (hereinafter referred to as "certified manufacturer, etc." in this paragraph and Article 36, paragraph (1)) to submit a report on the business operations related to the certified mineral and industrial products, or may have the ministry officials enter a plant, workplace or other premises of the certified manufacturer, etc. as necessary, and conduct on-site inspections of the products, raw materials or system of quality management thereof.
- (2) If recognizing it as necessary in order to enforce this Act, the competent minister may order the processor that has obtained the certifications referred to in the Article 31, paragraph (1) (hereinafter referred to as "certified processor" in this paragraph and Article 36, paragraph (2)) to submit a report on business operations regarding certified processing technologies, or may have the ministry officials enter a plant, workplace or other premises as necessary of the certified processor and conduct on-site inspections of the mineral and industrial products processed using the technology, raw materials or system of quality management thereof.
- (3) If recognizing it as necessary in order to enforce this Act, the competent minister may order the electronic or magnetic records producing company, etc. that has obtained the certifications as referred to in Article 32, paragraph (1) through paragraph (3) (hereinafter referred to as "certified electronic or magnetic records producing company, etc." in this paragraph and Article 36, paragraph (3)) submit a report on the business operations regarding certified electronic or magnetic records or recording media with electronic or magnetic

records, or may have the ministry officials enter an office, workplace or other premises as necessary of the certified electronic or magnetic records producing company, etc. and conduct on-site inspections of the electronic or magnetic records or the recording media with electronic or magnetic records or system of quality management thereof.

- (4) If recognizing it as necessary in order to enforce this Act, the competent minister may order the service provider that has obtained the certifications referred to in Article 33, paragraph (1) (hereinafter referred to as "certified service provider" in this paragraph and Article 36, paragraph (4)) to submit a report on business operations in relation to the certified service, or may have the ministry officials enter an office, workplace or other premises as necessary of the certified service provider and conduct on-site inspections of the service or the system of quality management thereof.
- (5) The provisions of Article 29, paragraph (2) and paragraph (3) apply mutatis mutandis to the on-site inspections as referred to in paragraph (1) through paragraph (4).

#### (Order to Remove Labeling)

- Article 36 (1) If the competent minister concludes, as a result of the on-site inspections pursuant to the provisions of Article 35, paragraph (1), that the mineral and industrial products (including products that have the label affixed on their package container or invoice; hereinafter the same applies in this paragraph) affixed with the label as referred to in Article 30, paragraph (1) (including labels which can be confused with that label) do not conform to Japanese Industrial Standards on that label, or concludes that the quality management system regarding the certification of the products is not appropriate, the competent minister may order the certified manufacturer, etc. to remove or delete the label or misleading label, or to cease the sale of the mineral and industrial products using that label.
- (2) If the competent minister concludes, as a result of the on-site inspections pursuant to the provisions of Article 35, paragraph (2), that the processed mineral and industrial products affixed with the label referred to in Article 31, paragraph (1) (including labels which can be confused with that label) on the processed products (including products that have the label affixed on package, container or invoice) do not conform to the Japanese Industrial Standards on that label, or concludes that the quality management system regarding the certification of the processed products is not appropriate, the competent minister may order the certified processor to remove or delete the label or misleading label, or to cease the sale of the processed mineral and industrial products with that label.
- (3) If the competent minister concludes, as a result of the on-site inspections

pursuant to the provisions of Article 35, paragraph (3), that electronic or magnetic records affixed with a label as referred to in Article 32, paragraph (1) (including labels which can be confused with that label) on the document in electronic or magnetic format or recording media (including media that have the label affixed on package, container or invoice) with electronic or magnetic records do not conform to the Japanese Industrial Standards on that label, or concludes that quality management system regarding the certification of the electronic or magnetic records is not appropriate, the competent minister may order the certified electronic or magnetic records producing company, etc. to remove or delete that label or misleading label or to cease the sale of the electronic or magnetic records or recording media with that label.

- (4) If the competent minister concludes, as a result of the on-site inspections pursuant to the provisions of Article 35, paragraph (4), that the service affixed with label referred to in Article 33, paragraph (1) (including labels which can be confused with that label) on the service-related documentation do not conform to the Japanese Industrial Standards on that label, or concludes that the quality management system regarding the certification of the service is not appropriate, the competent minister may order the certified service provider to remove or delete the label or misleading label or to cease the provision of the service using that label.

(Labeling of Conformity with Japanese Industrial Standards of Mineral and Industrial Products Manufactured by Foreign Manufacturers)

Article 37 (1) A manufacturer of mineral and industrial products that conducts business in a foreign country may, upon obtaining certifications from a certification body accredited by the competent minister, affix to the products, or packages, containers or invoices of those products regarding the certification, the label referred to in Article 30, paragraph (1).

- (2) An exporter of mineral and industrial products that conducts business in a foreign country may, upon obtaining certifications from a certification body accredited by the competent minister, affix to the products to be exported, or packages, containers or invoices of those products regarding the certification, the label referred to in Article 30, paragraph (1).
- (3) A processor of mineral and industrial products that conducts business in a foreign country may, upon obtaining certifications from a certification body accredited by the competent minister, affix to the products processed using the processing technology regarding the certification, or packages, containers or invoices of the processed products, the label referred to in Article 31, paragraph (1).
- (4) An electronic or magnetic records producing company that conducts business in a foreign country may, upon obtaining certifications from a certification

body accredited by the competent minister, affix to the document in electronic or magnetic format regarding the certification or the recording media with electronic or magnetic records regarding the certification or package, container or invoice thereof, the label referred to in Article 32, paragraph (1).

- (5) An exporter of recording media with electronic or magnetic records that conducts business in a foreign country may, upon obtaining certificates from a certification body accredited by the competent minister, affix to the recording media with electronic or magnetic records regarding the certification or package, container or invoice of the recording media, the label referred to in Article 32, paragraph (1).
- (6) A service provider that conducts business in a foreign country may, upon obtaining certifications from a certification body accredited by the competent minister, affix to the service-related documentation regarding the relevant certification, the label referred to in Article 33, paragraph (1).
- (7) The provisions of Article 30, paragraph (3) apply mutatis mutandis to the certification as referred to in paragraph (1) and paragraph (2), the provisions of Article 31, paragraph (2) apply mutatis mutandis to the certification as referred to in paragraph (3), the provisions of Article 32, paragraph (4) apply mutatis mutandis to the certification as referred to in paragraph (4) and paragraph (5), and the provisions of Article 33, paragraph (2) apply mutatis mutandis to the certification as referred to in paragraph (6), respectively.

(Importing Mineral and Industrial Products or Recording Media with Electronic or Magnetic Records with the Label)

- Article 38 (1) An importer may not sell any mineral and industrial products subject to their import (including products that have the label affixed on package, container or invoice) with the label referred to in Article 30, paragraph (1) or a label which can be confused with the label affixed thereto ; provided, however, that this does not apply when it is a label affixed pursuant to the provisions of Article 30, paragraph (1) or Article 30, paragraph (2), or Article 37, paragraph (1) or paragraph (2).
- (2) An importer may not sell any imported processed mineral and industrial products (including products that have the label affixed on package, container or invoice) with the label as referred to in Article 31, paragraph (1) or a label which can be confused with the label affixed thereto ; provided ,however, that this does not apply when the label is affixed pursuant to the provisions of Article 31, paragraph (1) or Article 37, paragraph (3).
  - (3) An importer must not sell imported recording media with electronic or magnetic records (including recording media that have the label affixed on package, container or invoice) with the label referred to in Article 32, paragraph (1) or a label which can be confused with that label affixed there to ;



provided, however, that this does not apply when that label is affixed pursuant to the provisions of Article 32, paragraph (1) or Article 32, paragraph (3) or Article 37, paragraph (4) or paragraph (5) .

## **Section 2 Accreditation of Certification Bodies**

(Accreditation)

- Article 39 (1) The accreditation as referred to in Article 30, paragraph (1) and paragraph (2), Article 31, paragraph (1), Article 32, paragraph (1) through paragraph (3), Article 33, paragraph (1), and Article 37, paragraph (1) through paragraph (6) (hereinafter referred to as "accreditation" in this Chapter) will be granted pursuant to the provisions of Order of the competent ministry, for each of the categories of mineral and industrial products or their processing technologies, electronic or magnetic records or services as specified by Order of the competent ministry (hereinafter referred to as "categories of mineral and industrial products or their processing technologies, electronic or magnetic records or services " in this Chapter), upon application by an entity which intends to conduct certification of products or their processing technologies, electronic or magnetic records or services (hereinafter referred to as "certification" in this Chapter (excluding in Article 41, paragraph (1), item (i))).
- (2) If an application for accreditation (excluding accreditation as referred to in Article 33, paragraph (1) and Article 37, paragraph (6)) is submitted, the competent minister (limited to cases where the Minister of Economy, Trade and Industry is the competent minister pursuant to the provisions of Article 72, paragraph (3) and paragraph (4)) may, if it is recognized as being necessary, have the National Institute of Technology and Evaluation (hereinafter referred to as "NITE") conduct necessary investigations with regard to whether or not the applicant entity conforms to the accreditation criteria as specified in Article 41, paragraph (1).

(Disqualification Clauses)

- Article 40 An entity which falls under any of the following items may not be accredited:
- (i) an entity which violated the provisions of this Act or disposition under this Act and was ordered to pay a fine or subjected to a heavier penalty, and two years have not yet passed since the date of the end of the sentence;
  - (ii) an entity for which accreditation was withdrawn pursuant to the provisions of Article 52, paragraph (1) or Article 56, paragraph (1), and two years have not yet passed since the date of the withdrawal of accreditation; or
  - (iii) a corporation in which any of its officers falls under any of item (i) or item (ii).

(Criteria for Accreditation)

Article 41 (1) If an entity which has applied for the accreditation pursuant to the provisions of Article 39, paragraph (1) (hereinafter referred to as "applicant for accreditation" in this paragraph) conforms to all of the following accreditation criteria, the competent minister must grant the accreditation. Necessary procedures with regard to the accreditation are specified by order of the competent ministry:

(i) the applicant for accreditation is to conform to the standards related to certification bodies of mineral and industrial products, electronic or magnetic records or services, as established by the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC); and

(ii) the applicant for accreditation does not fall under any of the following as a person under control by a manufacturer of mineral and industrial products, processor of products, importer or distributor of products, electronic or magnetic records producing company, distributor of electronic or magnetic records, importer or exporter of recording media with electronic or magnetic records, or service provider to be certified by the applicant for accreditation (hereinafter referred to as "certified business operator" in this item and Article 49, paragraph (2)), and do not:

(a) in case the applicant for accreditation is a stock company, the certified business operator is its parent corporation (meaning the parent corporation as specified in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005));

(b) the proportion of officers or employees of the certified business operator (including those who have been an officer or employee of that certified business operator within past two years) to officers of the applicant for accreditation (in the case of membership company (meaning the membership company as specified in Article 575, paragraph (1) of the Companies Act), staff who conduct certification) is over one-half; or

(c) the applicant for accreditation (in case of a corporation, officer having authority of representation) is an officer or employee of the certified business operator (including those who have been an officer or employee of that certified business operator within past two years).

(2) Upon granting the accreditation, the directory of accredited certification bodies are to specify the following items:

(i) the date of accreditation and accreditation No.;

(ii) the name and address of the accredited entity, as well as the name of the representative if the accredited entity is a corporation;

(iii) the category of mineral and industrial products or their processing

- technologies, electronic or magnetic records or services for which the accredited entity conducts the certification;
- (iv) the name and address of the premises of the accredited entity, and area where the accredited entity conducts the certification; and
  - (v) if the accredited entity has a laboratory to conduct testing of products or electronic or magnetic records regarding the certification (hereinafter referred to as "product testing, etc.") in relation to the certification, the name and address of the laboratory and the category of test method to be conducted by the laboratory (meaning categories of test method as referred to in Article 57, paragraph (1)).

#### (Renewal of Accreditation)

- Article 42 (1) Unless the accreditation is renewed for each of the periods of not less than three years as specified in the Cabinet Order, it expires by the lapsing of that period.
- (2) The provisions of Article 39 through Article 41 apply mutatis mutandis to the renewal of the accreditation in paragraph (1).
  - (3) In case an application for renewal of the accreditation is made pursuant to paragraph (1), if the deliberation of that application is not completed by the expiration date of the period of the relevant accreditation (hereinafter referred to as "expiration date of accreditation" in this Article), the previous accreditation will be effective after the expiration date of accreditation until the relevant deliberation is completed.
  - (4) In the case of paragraph (3), when the accreditation is renewed, the effective period of the renewed accreditation is to be calculated from the day following the previous expiration date of the accreditation.

#### (Succession of Certification Business)

- Article 43 (1) In case an accredited entity (hereinafter referred to as "accredited certification body") has assigned all of its accredited business or in the case of inheritance, a merger, or split of an accredited certification body (limited to those in which all accredited business is succeeded to) has occurred, the assignee or heir of all of that businesses (in cases where there are two or more heirs, if an heir to inherit that businesses was selected according to an agreement of all the heirs, that heir; the same applies hereinafter), or the corporation surviving the merger, or the corporation founded after the merger, or the corporation which has inherited all of that businesses due to the split, succeeds to the position of the accredited certification body.
- (2) An entity that has succeeded to the position of the accredited certification body pursuant to the provisions of paragraph (1) must notify the competent minister to that effect without delay together with written evidences of those

facts.

(Fees)

Article 44 An entity that applies for accreditation or to have its accreditation renewed must pay an application fee as specified by Cabinet Order.

### **Section 3 Domestic Accredited Certification Bodies**

(Obligation to Conduct Certification)

Article 45 (1) If an accredited certification body (limited to those which have been accredited to conduct certification at a premises located in Japan; hereinafter referred to as "domestic accredited certification body") is requested to conduct a certification, it must carry out an examination and assessment for the certification without delay unless it has a justifiable reason not to do so.

(2) Domestic accredited certification bodies must conduct certification fairly in accordance with the methods and procedures specified by order of the competent ministry with regard to the matters set forth in the following items:

- (i) matters concerning the method, frequency and implementation period of the examination and assessment as referred to in Article 30, paragraph (3), Article 31, paragraph (2), Article 32, paragraph (4) or Article 33, paragraph (2) (including cases where those clauses apply *mutatis mutandis* in Article 37, paragraph (7));
- (ii) matters concerning the public notification of the mineral and industrial products or their processing technologies, electronic or magnetic records or services being certified, and of the manufacturers of products, processors of products, importers or distributors of products, electronic or magnetic records producing companies, distributors of electronic or magnetic records, importers of recording media with electronic or magnetic records or service providers being certified, or the manufacturers, processors or exporters of products, electronic or magnetic records producing companies or exporters of recording media with electronic or magnetic records or service providers that conduct business in foreign countries being certified;
- (iii) matters concerning the measures in the case either the mineral and industrial products, processed products, document in electronic or magnetic format or recording media with electronic or magnetic records on which the label as referred to in Article 30, paragraph (1), Article 31, paragraph (1) or Article 32, paragraph (1) is affixed, or services for which the label as referred to in Article 33, paragraph (1) is affixed on its service-related documentation do not conform to the Japanese Industrial Standards on that label; and
- (iv) any other matters necessary for the appropriate implementation of the certifications.

(3) Domestic accredited certification bodies must report, as specified by order of the competent ministry, to the competent minister the name and address as well as other items specified by order of the competent ministry of manufacturers, etc., processors, electronic or magnetic records producing companies, etc., or service providers being certified.

(Notification of a Change of Premises)

Article 46 If a domestic accredited certification body intends to change the location of its premises in which it conducts certification, it must notify the competent minister no later than two weeks prior to the date of the intended change.

(Rules and Procedures)

Article 47 (1) Domestic accredited certification bodies must establish rules and procedures for certification (hereinafter referred to as "certification rules and procedures") and submit them to the competent minister prior to the commencement of its certification. The same applies when it intends to change its certification rules and procedures.

(2) Certification rules and procedures must include the method for certification, the method of calculating charges and fees related to certification, and other matters as specified by order of the competent ministry.

(Suspension or Discontinuation of Certification)

Article 48 If domestic accredited certification body intends to suspend or discontinue all or part of its certification business, it must notify the competent minister of this fact no later than six months prior to the date on which it is to suspend or discontinue the certification business.

(Bookkeeping and Review of Financial Statements)

Article 49 (1) Domestic accredited certification bodies must, within three months after the end of each fiscal business year, prepare a set of documents with inventory of assets, a balance sheet and a profit and loss statement or income and expenditure statement, and a business report for that fiscal business year (including when those documents are prepared in the form of electronic or magnetic records; the documents are referred to as "financial statements" in the following paragraph and Article 82, item (ii)), and must keep the documents at its premises for five years.

(2) Certified business operators and other interested persons may request for the following items at any time in the office hours of the domestic accredited certification body; provided, however, that for the request of the following item (ii) or item (iv), necessary expenses set by the domestic accredited certification

body must be paid:

- (i) request to browse and photocopy the financial statements, if they are provided in written documents;
- (ii) request for the transcripts or extracts of documents set forth in item (i);
- (iii) if financial statements are prepared in the form of electronic or magnetic records, request to browse and photocopy the contents displayed as specified by order of the competent ministry; or
- (iv) requests to be provided with the content of the electronic or magnetic records as referred to in item (iii) by the electronic or magnetic means as specified by order of the competent ministry, or request to be issued a document that describes the content thereof.

(Order to Comply)

Article 50 If the competent minister recognizes that a domestic accredited certification body has ceased to conform to any of the accreditation criteria as specified in each item of Article 41, paragraph (1), the competent minister may order the domestic accredited certification body to take necessary corrective actions to comply to the accreditation criteria.

(Order for Improvement)

Article 51 If the competent minister recognizes that a domestic accredited certification body violated the provisions of Article 45, the competent minister may order the domestic accredited certification body to conduct the certification, or to take necessary corrective actions to amend the methods of certification or other business activities.

(Withdrawal of Accreditation)

Article 52 (1) If a domestic accredited certification body falls under any of the following items, the competent minister may withdraw the accreditation or order the domestic accredited certification body to suspend the whole or any part of the certification business for a fixed period:

- (i) if the domestic accredited certification body falls under Article 40, item (i) or item (iii);
- (ii) if the domestic accredited certification body violated the provisions of Article 45, Article 46, Article 47, paragraph (1), Article 48, Article 49, paragraph (1) or Article 53;
- (iii) if the domestic accredited certification body refused the requests pursuant to the provisions of any of the items in Article 49, paragraph (2) without justifiable grounds;
- (iv) if the domestic accredited certification body violated the order pursuant to the provisions of Article 50 and Article 51; or

- (v) if the domestic accredited certification body has obtained the accreditation, or the renewal of accreditation as referred to in Article 42, paragraph (1) by wrongful means.
- (2) If the competent minister intends to conduct a hearing regarding any of the dispositions pursuant to the provisions of paragraph (1), the competent minister must give notice pursuant to the provisions of Article 15, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993) no later than one (1) week prior to the date of hearing and make the date of hearing public.

(Bookkeeping and Records)

Article 53 Domestic accredited certification bodies must prepare books and keep records in those books on matters concerning the certification business, and must maintain the books, as specified by Order of the competent ministry.

(Order for Reports and On-site Inspections)

- Article 54 (1) The competent minister may, if recognizing it as necessary in order to enforce this Act, order a domestic accredited certification body to submit a report on its certification business. The competent minister may also have ministry officials enter the premises of the domestic accredited certification body and conduct on-site inspections of the certification or books, documents or other relevant items.
- (2) The provisions of Article 29, paragraphs (2) and paragraph (3) apply mutatis mutandis to the on-site inspections pursuant to the provisions of paragraph (1)

#### **Section 4 Foreign Accredited Certification Bodies**

(Obligation to Conduct Certification)

- Article 55 (1) If an accredited certification body (limited to those which have been accredited to conduct certification at premises located in a foreign country; hereinafter referred to as "foreign accredited certification body") is requested to conduct a certification, it must conduct the examination and assessment for certification without delay unless it has a justifiable reason not to do so.
- (2) The provisions of Article 45, paragraphs (2) and paragraph (3), Articles 46 through Article 51, and Article 53 apply mutatis mutandis to foreign accredited certification bodies. In this case, "order" in Articles 50 and Article 51 is to be read as "instruct".

(Withdrawal of Accreditation)

Article 56 (1) If a foreign accredited certification body falls under any of the following items, the competent minister may withdraw the accreditation:

- (i) if the foreign accredited certification body falls under Article 40, item (i) or item (iii);
  - (ii) if the foreign accredited certification body violated the provisions of Article 55, paragraph (1), or Article 45, paragraph (2) or paragraph (3), Article 46, Article 47, paragraph (1), Article 48, Article 49, paragraph (1) or Article 53, as applied mutatis mutandis in Article 55, paragraph (2);
  - (iii) if the foreign accredited certification body refused the requests pursuant to the provisions of any of the items in Article 49, paragraph (2) as applied mutatis mutandis in Article 55, paragraph (2) without justifiable reasons;
  - (iv) if the foreign accredited certification body refused the instructions pursuant to the provisions of Article 50 or Article 51, as applied mutatis mutandis in Article 55, paragraph (2);
  - (v) if the foreign accredited certification body has obtained the accreditation, or the renewal of accreditation as referred to in Article 42, paragraph (1) by wrongful means;
  - (vi) if the competent minister concluded that the foreign accredited certification body fell under any of item (i) through item (v) and instructed the foreign accredited certification body to suspend the whole or part of its certification business for a fixed period, and when the foreign accredited certification body refused the instruction;
  - (vii) if the competent minister recognized that it is necessary and instructed the foreign accredited certification body to submit a report on its certification business, and when the foreign accredited certification body failed to report or submitted a false report to the competent minister;
  - (viii) if the competent minister recognized that it is necessary to have the ministry officials conduct on-site inspections of the premises of the foreign accredited certification body with regard to the matters as referred to in Article 54, paragraph (1), and if the foreign accredited certification body refused, interfered with or evaded that on-site inspections; or
  - (ix) if the foreign accredited certification body failed to bear the cost as referred to in paragraph (3).
- (2) If the competent minister intends to conduct a hearing regarding any of the dispositions pursuant to the provisions of paragraph (1), the competent minister must give notice pursuant to the provisions of Article 15, paragraph (1) of the Administrative Procedure Act no later than two (2) weeks prior to the date of hearing and also publicly notify the date of hearing.
- (3) The cost required for the on-site inspections as referred to in paragraph (1), item (viii) (limited to those specified in the Cabinet Order) are to be borne by the foreign accredited certification body subject to that on-site inspections.

## **Chapter VI Product Testing**



(Accreditation of Testing Laboratories)

Article 57 (1) An entity which conducts the business of product testing, etc. at its testing laboratory located in Japan may apply to the competent minister for the accreditation of testing laboratory pursuant to the provisions of an Order of the competent ministry, for each category of the test method as specified by Order of the competent ministry (hereinafter referred to as "category of test method"). Necessary procedures with regard to the accreditation are specified by Order of the competent ministry.

(2) If the competent minister concludes that the applicant testing laboratory as referred to in paragraph (1) conforms to the accreditation criteria for laboratories as specified by the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC), the competent minister must grant the accreditation.

(3) Upon granting accreditation, the directory of accredited testing laboratories are to specify the following:

(i) the date of accreditation and accreditation No.;

(ii) the name and address of the accredited testing laboratory, as well as the name of the representative if the accredited testing laboratory is a corporation;

(iii) the name and address of the accredited testing laboratory; and

(iv) the category of test method for which the accredited testing laboratory conducts the test.

(Issuance of Test Certificates)

Article 58 (1) If an entity which obtained the accreditation as referred to in Article 57, paragraph (1) (hereinafter referred to as "accredited testing laboratory") conducts product testing, etc. regarding the category of test method being accredited, the accredited testing laboratory may issue a test certificate on which the matters as specified by Order of the competent ministry are recorded with the accreditation logo as specified by Order of the competent ministry being affixed.

(2) Except for the cases as specified in paragraph (1), no person may affix the accreditation logo as referred to in the same paragraph nor any logo which could be confused as such, on a certificate related to a product testing, etc.

(3) Except for the cases as specified in paragraph (2), an accredited testing laboratory must not affix the accreditation logo as referred to in paragraph (1) nor any logo which could be confused with such, on anything other than the certificate related to a product testing, etc.

(Renewal of Accreditation)

Article 59 (1) Unless the accreditation as referred to in Article 57, paragraph (1) is renewed for each of the periods of not less than three years as specified in the Cabinet Order, it will expire by lapse of that period.

(2) The provisions of Article 57 apply mutatis mutandis to the renewal of the accreditation as referred to in paragraph (1).

(3) If application for renewal of the accreditation is made pursuant to paragraph (1), and the deliberation of that application is not completed by the expiration date of the relevant accreditation (hereinafter referred to as "expiration date of accreditation" in this Article), the previous accreditation is effective after the expiration date of accreditation until the deliberation is complete.

(4) In the case of paragraph (3), if the accreditation is renewed, the effective period of the renewed accreditation is to be calculated from the day following the previous expiration date of accreditation.

#### (Succession of Testing)

Article 60 (1) If an accredited testing laboratory has assigned all of its businesses regarding the relevant accreditation, or in cases of the inheritance, a merger or split of an accredited testing laboratory (limited to those based on which all of the business related to the relevant accreditation are succeeded to) has occurred, the assignee or heir of all of that businesses, or the corporation surviving the merger, or the corporation founded after the merger, or the corporation which has inherited all of that businesses due to the split, succeeds to the position of the accredited testing laboratory.

(2) An entity that has succeeded to the position of the accredited testing laboratory pursuant to the provisions of paragraph (1) must notify the competent minister to that effect without delay together with written evidence of those facts.

#### (Notification of Discontinuation of Testing)

Article 61 If an accredited testing laboratory has discontinued its testing business regarding the relevant accredited laboratory, that accredited testing laboratory must notify the competent minister of that fact without delay.

#### (Fees)

Article 62 (1) An entity that applies to the accreditation as referred to in Article 57, paragraph (1) or to have its accreditation renewed as referred to in Article 59, paragraph (1) must pay an application fee as specified by Cabinet Order.

(2) The application fee as referred to in paragraph (1) that is paid by the entity for accreditation or renewal of accreditation by the competent ministry is to become revenue of the national treasury, and what is paid by the entity for accreditation or renewal of accreditation by the NITE is to become revenue of

the NITE.

(Withdrawal of Accreditation)

Article 63 If an accredited testing laboratory falls under any of the following items, the competent minister may withdraw the accreditation of the testing laboratory:

- (i) if the testing laboratory no longer conforms to the accreditation criteria as referred to in Article 57, paragraph (2); or
- (ii) if the accredited testing laboratory has obtained the accreditation as referred to in Article 57, paragraph (1) by wrongful means.

(Order for Reports and On-site Inspections)

Article 64 (1) If recognizing as necessary in order to enforce this Act, the competent minister may order an accredited testing laboratory to submit a report on its testing business. The competent minister may also have ministry officials enter the premises of the accredited testing laboratory and conduct on-site inspections of the testing or books and documents or other relevant items.  
(2) The provisions of Article 29, paragraphs (2) and (3) apply mutatis mutandis to the on-site inspections pursuant to the provisions of paragraph (1).

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

Article 65 With regard to the application of the provisions of Article 58, an accredited certification body's testing laboratory (limited to laboratories which are registered in the directory of accredited certification bodies pursuant to the provisions of Article 41, paragraph (2), item (v)) is deemed to have been accredited pursuant to the provisions of Article 57, paragraph (1) for the category of test method as registered in the directory of accredited certification bodies.

(Accreditation of Foreign Testing Laboratories)

Article 66 (1) An entity which conducts the business of product testing, etc. at its testing laboratory located in a foreign country may apply to the competent minister for accreditation of testing laboratory for each category of the test method as specified by Order of the competent ministry. Necessary procedures with regard to the accreditation are specified by Order of the competent ministry.  
(2) The provisions of Article 57, paragraph (2) and paragraph (3), Article 59, paragraph (1), and Article 62 apply mutatis mutandis to the accreditation as referred to in paragraph (1). The provisions of Article 58, paragraph (1) and paragraph (3), Article 60, and Article 61 apply mutatis mutandis to the entity

which obtained the accreditation as referred to in paragraph (1) (hereinafter referred to as "foreign accredited testing laboratory"). The provisions of Article 57, paragraph (2) and paragraph (3) as applied mutatis mutandis in Article 59, paragraph (2), and the provisions of Article 59, paragraph (3) and paragraph (4) and Article 62 apply mutatis mutandis to the renewal of accreditation as referred to in Article 59, paragraph (1).

- (3) If a foreign accredited testing laboratory falls under any of the following items, the competent minister may withdraw the accreditation:
- (i) if the foreign accredited testing laboratory no longer conforms to the accreditation criteria as referred to in Article 57, paragraph (2) as applied mutatis mutandis in paragraph (2);
  - (ii) if the foreign accredited testing laboratory has obtained the accreditation as referred to in paragraph (1) by wrongful means.
  - (iii) if the competent minister recognized that it is necessary and instructed the foreign accredited testing laboratory to submit a report on its testing business, and the foreign accredited testing laboratory failed to report or submitted a false report to the competent minister ;
  - (iv) if the competent minister recognized that it is necessary to have ministry officials conduct an on-site inspection of the premises of the foreign accredited testing laboratory for the matters as referred to in Article 64, paragraph (1), and when the foreign accredited testing laboratory refused, interfered with or evaded that on-site inspections; or
  - (v) if the foreign accredited testing laboratory failed to bear the cost as referred to in paragraph (4).
- (4) The cost required for the on-site inspections as referred to in paragraph (3), item (iv) (limited to those specified in the Cabinet Order) is to be borne by the foreign accredited testing laboratory subject to that on-site inspection.

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

Article 67 The provisions of Article 65 apply mutatis mutandis to an accredited certification body's laboratory located in a foreign country. In this case, the term "Article 58" in Article 65 is to be read as "Article 58, paragraph (1) and paragraph (3) as applied mutatis mutandis in Article 66, paragraph (2)," and the term "Article 57, paragraph (1)" in Article 65 is to be read as "Article 66, paragraph (1)."

(Sale of Imported Goods with a Test Certificate on which the Accreditation  
Logo is Affixed)

Article 68 An importer must not sell any products or recording media with electronic or magnetic records, with a certificate related to a product testing,

etc. affixed with the accreditation logo referred to in Article 58, paragraph (1) or any confusing logo being attached; provided, however, that this does not apply to cases where the accreditation logo is affixed to the test certificate pursuant to the provisions of Article 58, paragraph (1) (including cases where the paragraph applies *mutatis mutandis* in Article 66, paragraph (2)).

## **Chapter VII Miscellaneous Provisions**

(Respecting Japanese Industrial Standards)

Article 69 The national government and local governments must respect Japanese Industrial Standards when specifying technical requirements in mining or industry, when determining the specifications of products to be purchased and when specifying criteria relating to the matters set forth in the item (i) through item (xv) of Article 2, paragraph (1) in otherwise performing administrative work.

(Promotion of Industrial and International Standardization)

Article 70 (1) The national government is to endeavor to promote industrial and international standardization through establishing and disseminating industrial standards, cooperating with international organizations relating to international standards or other international frameworks, and providing support to persons engaged in industrial and international standardization activities.

(2) National research and development agencies (meaning national research and development agencies as defined in Article 2, paragraph (3) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999); the same applies in paragraph (4) ) and universities are to, in coordination with private companies, endeavor to play an active role in research and development activities contributing to industrial standardization, cooperation with international organizations regarding international standards or other international frameworks, and other activities regarding industrial standardization and international standardization. They are also to endeavor to secure appropriate treatment of persons engaged in industrial and international standardization activities, so that the duties of persons engaged in those activities are appealing commensurate with their importance.

(3) Private companies are to endeavor to play an active role in research and development activities contributing to industrial standardization, cooperation with international organizations relating to international standards or other international frameworks and other activities relating to industrial and international standardization. They are also to endeavor to secure appropriate treatment of persons engaged in activities regarding industrial or international

standardization, in order that the duties of persons engaged in those activities are appealing commensurate with their importance.

- (4) The national government, national research and development agencies, universities, private companies and other stakeholders are to share roles appropriately and are also to endeavor to cooperate in coordination with each other, in order that measures relating to industrial and international standardization are implemented effectively and efficiently.

(Public Notice of the Accreditation)

Article 71 In the event of any of the following cases, the competent minister must notify the public to that effect through the Official Gazette:

- (i) if the competent minister grants the accreditation as referred to in Article 30, paragraph (1) and paragraph (2), Article 31, paragraph (1), Article 32, paragraph (1) through paragraph (3), Article 33, paragraph (1), and Article 37, paragraph (1) through paragraph (6), or the renewal of accreditation as referred to in Article 42, paragraph (1);
- (ii) if an application for renewal of the accreditation as referred to in Article 42, paragraph (1) is not made six months prior to the date of expiration of the period as referred to in that paragraph;
- (iii) if the notification pursuant to the provisions of Article 46 or 48 (including the case where those provisions apply *mutatis mutandis* in Article 55, paragraph (2)) is made;
- (iv) if the competent minister withdraws the accreditation or orders suspension of certification business pursuant to the provisions of Article 52, paragraph (1);
- (v) if the competent minister withdraws the accreditation pursuant to the provisions of Article 56, paragraph (1);
- (vi) if the competent minister grants the accreditation as referred to in Article 57, paragraph (1) or Article 66, paragraph (1); or
- (vii) if the competent minister withdraws the accreditation pursuant to Article 63 or Article 66, paragraph (3).

(Competent Minister)

Article 72 (1) The competent minister in Chapter III is to be as follows:

- (i) the Minister of Health, Labour and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Economy, Trade and Industry, or Minister of Land, Infrastructure, Transport and Tourism, for matters concerning the industrial standards for the mineral or industrial products or mining or industrial technologies as referred to in Article 2, paragraph (1), item (i) through item (v) (except for those as referred to in item (iv)), as specified by Cabinet Order;

- (ii) the Minister of Health, Labour and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Economy, Trade and Industry, or Minister of Land, Infrastructure, Transport and Tourism, for matters concerning the industrial standards for the electronic or magnetic records as referred to in Article 2, paragraph (1), items (vi) through (viii), as specified by Cabinet Order;
  - (iii) the Minister of Internal Affairs and Communications, Minister of Education, Culture, Sports, Science and Technology, Minister of Health, Labour and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Economy, Trade and Industry, Minister of Land, Infrastructure, Transport and Tourism, or Minister of the Environment, for matters concerning the industrial standards for the buildings and other structures as referred to in Article 2, paragraph (1), item (ix) (except for those as referred to in item (iv)), as specified by Cabinet Order;
  - (iv) the Minister of Health, Labour and Welfare, with regard to the matters concerning the prevention of industrial accidents as specified in the Cabinet Order such as degree of safety of mineral or industrial products, for matters concerning the industrial standards for the mineral or industrial products, mining or industrial technologies, or buildings and other structures as referred to in Article 2, paragraph (1), items (i) through (v) and item (ix);
  - (v) the Prime Minister, Minister of Internal Affairs and Communications, Minister of Education, Culture, Sports, Science and Technology, Minister of Health, Labour and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Economy, Trade and Industry, Minister of Land, Infrastructure, Transport and Tourism, or Minister of the Environment, for matters concerning the industrial standards for the services as referred to in Article 2, paragraph (1), items (x) through (xiii), as specified by Cabinet Order;
  - (vi) the Prime Minister, Minister of Internal Affairs and Communications, Minister of Education, Culture, Sports, Science and Technology, Minister of Health, Labour and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Economy, Trade and Industry, Minister of Land, Infrastructure, Transport and Tourism, or Minister of the Environment, for matters concerning the industrial standards for the methods of business management as referred to in Article 2, paragraph (1), item (xiv), as specified by Cabinet Order; and
  - (vii) a minister who has jurisdiction over matters specified by Order of the competent ministry as referred to in Article 2, paragraph (1), item (xv) or business relating to those matters, for matters concerning the industrial standards specified by Order of the competent ministry as set forth in Article 2, paragraph (1), item (xv).
- (2) The competent minister for Chapter IV is to be the Prime Minister, Minister

of Internal Affairs and Communications, Minister of Education, Culture, Sports, Science and Technology, Minister of Health, Labour and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Land, Infrastructure, Transport and Tourism, or Minister of the Environment who has jurisdiction over the business with regard to the scope of drafts of industrial standards as referred to in Article 22, paragraph (2), item (ii), and the Minister of Economy, Trade and Industry.

- (3) The competent minister for Chapter V through Chapter VII (limited to the clauses relating to mineral or industrial products) is to be the Minister of Health, Labour and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Economy, Trade and Industry, or Minister of Land, Infrastructure, Transport and Tourism who has jurisdiction over the business of the production of those products.
- (4) The competent minister for Chapter V through Chapter VII (limited to the clauses relating to electronic or magnetic records) is to be the Minister of Health, Labour and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Economy, Trade and Industry, or Minister of Land, Infrastructure, Transport and Tourism who has jurisdiction over the business of producing those electronic or magnetic records.
- (5) The competent minister for Chapter V through Chapter VII (limited to the matters relating to services) is to be the Prime Minister, Minister of Internal Affairs and Communications, Minister of Education, Culture, Sports, Science and Technology, Minister of Health, Labour and Welfare, Minister of Agriculture, Forestry and Fisheries, Minister of Economy, Trade and Industry, Minister of Land, Infrastructure, Transport and Tourism, or Minister of the Environment who has jurisdiction over the business of providing those services.
- (6) Orders of the competent ministry as referred to in Chapter III are to be those issued by the competent minister as specified in paragraph (1), and Orders of the competent ministry as referred to in Chapter IV are to be those issued by the competent minister as specified in paragraph (2), and Orders of the competent ministry as referred to in Chapter V through Chapter VII are to be those issued by the competent minister as specified in paragraph (3).

(Affairs to be Performed by the NITE)

Article 73 The competent minister (limited to cases where the Minister of Economy, Trade and Industry is the competent minister pursuant to the provisions of Article 72, paragraphs (3) and (4); the same applies in the following Article 74 through Article 76) is to have the NITE perform the following: affairs related to the accreditation as referred to in Article 57, paragraph (1), affairs related to the renewal of accreditation as referred to in Article 59, paragraph (1) (including cases where that paragraph applies



mutatis mutandis in Article 66, paragraph (2)), affairs related to the handling of notifications under the provisions of Article 60, paragraph (2) and Article 61 (including cases where those provisions apply mutatis mutandis in Article 66, paragraph (2)), affairs related to withdrawal of accreditation in accordance with the provisions of Article 63, affairs related to the order to submit a report and on-site inspections in accordance with the provisions of Article 64, paragraph (1), affairs related to the accreditation as referred to in Article 66, paragraph (1), affairs related to withdrawal of accreditation in accordance with the provisions of Article 66, paragraph (3), affairs related to the instruction to submit a report in accordance with the provisions of Article 66, paragraph (3), item (iii), affairs related to the on-site inspections in accordance with the provisions of Article 66, paragraph (3), item (iv), and affairs related to the public notifications under the provisions of Article 71 (limited to those regarding items (vi) and (vii) of Article 71).

(On-site Inspections by the NITE)

Article 74 (1) If recognizing it as necessary to do so, the competent minister may have the NITE conduct on-site inspections under the provisions of Article 35, paragraph (1) through paragraph (3), or Article 54, paragraph (1) (except for those relating to accredited certification bodies that conduct the certification referred to in Article 33, paragraph (1) or Article 37, paragraph (6)).

(2) If recognizing it as necessary to do so, the competent minister may have the NITE conduct on-site inspections under the provisions of Article 56, paragraph (1), item (viii) (except for those relating to accredited certification bodies that conduct the certification referred to in Article 33, paragraph (1) or Article 37, paragraph (6)).

(3) If the competent minister has the NITE conduct on-site inspections pursuant to the provisions of paragraph (1) and paragraph (2), the competent minister is to instruct the NITE to conduct the on-site inspections and provide necessary information thereof including the location of the on-site inspections.

(4) If the NITE conducted on-site inspections pursuant to the provisions of paragraph (1) or paragraph (2) in accordance with the instruction as referred to in paragraph (3), it must report the results thereof to the competent minister.

(5) The officials of the NITE who conduct the on-site inspections pursuant to the provisions of paragraph (1) must carry personal identification and present it upon request by the relevant persons.

(Orders to the NITE)

Article 75 If the competent minister recognizes it as necessary in order to secure the proper implementation of the matters specified in Article 73 (limited to the

part regarding Article 63, Article 64, paragraph (1), and Article 66, paragraph (3)), or Article 74, paragraph (1) or paragraph (2), the competent minister may issue an order as necessary to the NITE with regard to that matters.

(Claim for Examination of Rulings by the NITE)

Article 76 An entity which has an appeal to a ruling or inaction by the NITE pursuant to the provisions of this Act may submit a request for an administrative review to the competent minister. In this case, the competent minister is deemed to be the higher administrative authority of the NITE, regarding the application of the provisions of Article 25, paragraph (2) and paragraph (3), Article 46, paragraph (1) and paragraph (2), and Article 49, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014).

(Delegation of Authority)

Article 77 The matters under the authority of the Minister of Economy, Trade and Industry pursuant to the provisions of the Chapter V may be undertaken by the Director-General of the Bureau of Economy, Trade and Industry as specified by Cabinet Order.

### **Chapter VIII Penal Provisions**

Article 78 In a case falling under any of the following items, the entity which has committed the violation is subject to imprisonment for not more than one year, or a fine of not more than one million yen:

- (i) if the entity failed to remove or delete the label or to ceased the sale or provision of the items in violation of the provisions of Article 34;
- (ii) if the entity failed to remove or delete the label or to ceased the sale or provision of the items in violation of the provisions of Article 36;
- (iii) if the entity sold the products being imported in violation of the provisions of Article 38; or
- (iv) if the entity failed to suspend the whole or any part of the certification against the order pursuant to the provisions of Article 52, paragraph (1).

Article 79 Any entity which falls under any of the following items is subject to a fine not more than 500,000 yen.

- (i) an entity which violated the provisions of Article 58, paragraph (2); or
- (ii) an entity which violated the provisions of Article 68.

Article 80 Any entity which falls under any of the following items is subject to a fine not more than 300,000 yen.

- (i) an entity which changed the matters as referred to in Article 22, paragraph

- (2), items (ii) through (v) in violation of the provisions of Article 24, paragraph (1);
- (ii) an entity which failed to submit a report pursuant to the provisions of Article 29, paragraph (1), Article 35, paragraphs (1) through (4), Article 54, paragraph (1) or Article 64, paragraph (1), or submitted a false report, or refused, interfered with or evaded the on-site inspections pursuant to those provisions;
- (iii) an entity which failed to submit a report pursuant to the provisions of Article 45, paragraph (3) or submitted a false report;
- (iv) an entity which failed to submit a notification pursuant to the provisions of Article 48 or submitted a false notification; or
- (v) an entity which failed to keep records in the books pursuant to the provisions of Article 28 or Article 53, or made false records or failed to maintain the books.

Article 81 If the representative of a corporation, or an agent, worker or other employee of the corporation or individual has committed a violation of the provisions specified in the following items in connection with the business of the corporation or individual, beyond the offender being subject to a penalty, the corporation will be subject to the fine specified in the following items, and the individual will be subject to the fine referred to in the relevant Articles:

- (i) Article 78, item (i) or item (ii): a fine of not more than 100 million yen; or
- (ii) Article 78, item (iii) or item (iv), or Article 79 and Article 80: the fine as referred to in the relevant Articles.

Article 82 Any entity which falls under any of the following items is subject to a fine of not more than 200, 000 yen:

- (i) an entity which failed to submit a notification pursuant to the provisions of Article 43, paragraph (2) or submitted a false notification; or
- (ii) an entity which failed to maintain financial statements, or to record necessary items in the financial statements or made false records in the financial statements in contravention of the provisions of Article 49, paragraph (1), or an entity which refused the request pursuant to the provisions of Article 49, paragraph (2), item (i) through item (iv) without justifiable reasons.

Article 83 In the case of a breach of the order pursuant to the provisions of Article 75, the officer of the NITE who has committed the violation is subject to a civil fine of not more than 200,000 yen.

Article 84 An entity which failed to submit a notification pursuant to the

provisions of Article 25, Article 60, paragraph (2) or Article 61, or submitted a false notification is subject to a civil fine of not more than 100,000 yen.