

# Sustainable Aquaculture Production Assurance Act

(Act No. 51 of May 21, 1999)

## (Purpose)

Article 1 The purpose of this Act is to assure sustainable aquaculture production, thereby contributing to the development of aquaculture and to a stable supply of aquatic products, by taking measures to promote fisheries cooperative associations' improvement of aquaculture areas, and also by taking measures to prevent the spread of specified infectious diseases among farm-raised aquatic animals and plants.

## (Definitions)

Article 2 (1) In this Act, "the improvement of an aquaculture area" means restoring the aquaculture area or maintaining it in a state suitable for the growth of farm-raised aquatic animals and plants by decreasing the production of fish food by-products scattered therein which inhibit or are likely to inhibit the growth of the farm-raised aquatic animals and plants, or by preventing the sedimentation of such by-products on the bottom, and also by removing the causes promoting the occurrence and spread of infectious diseases among the farm-raised aquatic animals and plants or by reducing the effects of such causes.

(2) In this Act, "a specified disease" means an infectious disease of a farm-raised aquatic animal and plant, which have not been confirmed to have occurred in Japan or has occurred in only one part of Japan and which is specified by Order of the Ministry of Agriculture, Forestry and Fisheries as a disease likely to seriously injure the farm-raised aquatic animals and plants if the disease spreads.

(3) In this Act, "assurance of sustainable aquaculture production" means maintaining each aquaculture area in good condition or improving it, and also preventing the spread of specified diseases, to make it possible for long-term stable aquaculture production to be maintained or increased.

## (Basic Policy)

Article 3 (1) The Minister of Agriculture, Forestry and Fisheries must establish the basic policy for assuring sustainable aquaculture production (hereinafter referred to as the "basic policy").

(2) The basic policy is to establish the following matters:

- (i) matters concerning goals for improving aquaculture areas;
- (ii) matters concerning measures for improving aquaculture areas and for

- preventing the spread of specified diseases, and development of aquaculture facilities necessary for it;
- (iii) matters concerning the development of a system for improving aquaculture areas and for preventing the spread of specified diseases; and
  - (iv) other important matters concerning the improvement of aquaculture areas and the prevention of the spread of specified diseases.
- (3) The Minister of Agriculture, Forestry and Fisheries is to change the basic policy when necessary owing to any change in circumstances.
- (4) If the Minister of Agriculture, Forestry and Fisheries intends to establish or change the basic policy, the Minister must hear the opinion of the Fisheries Policy Council.
- (5) Upon establishing or changing the basic policy, the Minister of Agriculture, Forestry and Fisheries must give public notice of that fact without delay.

(Authorization of an Aquaculture Area Improvement Plan)

Article 4 (1) A fisheries cooperative association or a person having a demarcated fishery right (including a common of piscary) as provided in Article 60, paragraph (2) of the Fishery Act (Act No. 267 of 1949) (hereinafter referred to as a "fisheries cooperative association, etc.") may prepare a plan concerning the improvement of an aquaculture area (hereinafter referred to as an "aquaculture area improvement plan") on its own or jointly to assure sustainable aquaculture production based on the basic policy, and may have that plan authorized as appropriate by the prefectural governor concerned (or by the prefectural governor having jurisdiction over the water area that includes the largest portion of the water area covered by the aquaculture area improvement plan, if the water area covered by the aquaculture area improvement plan falls under the jurisdiction of two or more prefectural governors; or by the Minister of Agriculture, Forestry and Fisheries, if the water area covered by the relevant aquaculture area improvement plan includes an aquaculture area for which the Minister of Agriculture, Forestry and Fisheries exercises the authority of the prefectural governor concerned pursuant to the provisions of Article 183 of the Fishery Act; hereinafter the same applies in this and the following Articles).

- (2) The aquaculture area improvement plan is to specify the following matters:
- (i) the water area concerned and the species of the farmed aquatic animals and plants;
  - (ii) goal of improving the aquaculture area;
  - (iii) measures to be taken to improve the aquaculture area and their implementation time;
  - (iv) establishment of the facilities and organizational system necessary to improve the aquaculture area; and

- (v) other matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) If the application for the authorization under paragraph (1) satisfies all of the following requirements, the prefectural governor concerned is to grant the authorization:
- (i) the contents of the aquaculture area improvement plan conform to the basic policy;
  - (ii) the contents of the aquaculture area improvement plan are appropriate for positively achieving the goal set forth in item (ii) of the preceding paragraph; and
  - (iii) the contents of the aquaculture area improvement plan do not violate this Act, orders based on this Act or other relevant laws or regulations.
- (4) Before the prefectural governor concerned authorizes an aquaculture area improvement plan partially covering a water area within the jurisdiction of another prefectural governor, the prefectural governor must discuss the aquaculture area improvement plan with the relevant prefectural governor.

(Changes of Aquaculture Area Improvement Plan)

- Article 5 (1) If a fisheries cooperative association, etc. authorized pursuant to paragraph (1) of the preceding Article (hereinafter referred to as "authorized fisheries cooperative association, etc.") intends to change the aquaculture area improvement plan subject to the relevant authorization, the association, etc. must have that change authorized by the prefectural governor concerned.
- (2) If the prefectural governor concerned finds that an authorized fisheries cooperative association, etc. has not improved its aquaculture area in conformity with the aquaculture area improvement plan subject to the authorization of paragraph (1) of the preceding Article (or the changed aquaculture area improvement plan if the aquaculture improvement plan has been changed pursuant to the provisions of the preceding paragraph; hereinafter referred to as the "authorized aquaculture area improvement plan"), the prefectural governor may rescind the authorization.
- (3) The provisions of paragraphs (3) and (4) of the preceding Article apply mutatis mutandis to the authorization under paragraph (1).

(Exceptions to the Aquatic Industry Cooperative Association Act)

- Article 6 (1) If a fisheries cooperative association that has prepared an authorized aquaculture area improvement plan intends to issue a resolution at a general meeting (including its sectional meeting and representatives' meeting) on changing the fishery right exercise rule or piscary exercise rule (meaning the fishery right exercise rule or piscary exercise rule provided for in Article 105 of the Fishery Act) to be in conformance with the substance of the

matters set forth in Article 4, paragraph (2), item (iii) (excluding a change to a matter set forth in Article 106, paragraph (3), item (i) of the Fishery Act; the same applies in paragraph (4)), in order to have its members comply with the contents of that plan, and has obtained the consent in writing of not fewer than two-thirds of the members having the right to operate the fishery covered by the relevant fishery right or common of piscary (hereinafter referred to as "the specific members") as prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, the fisheries cooperative association is not required to issue a resolution in accordance with Article 50 of the Aquatic Industry Cooperative Association Act (Act No. 242 of 1948) (including as applied *mutatis mutandis* pursuant to Article 52, paragraph (6) of the same Act; the same applies hereinafter in this paragraph) or Article 51-2, paragraph (6) of the same Act, notwithstanding the provisions of Article 50 or Article 51-2, paragraph (6) of the same Act.

- (2) In the case of the preceding paragraph, if it is provided in the articles of incorporation of a fisheries cooperative association pursuant to Article 21, paragraph (3) of the Aquatic Industry Cooperative Association Act that voting rights may be exercised by electronic or magnetic means (electronic or magnetic means as provided in Article 11-3, paragraph (4) of the same Act), consent to the changing of the fishery right exercise rule or piscary exercise rule may be obtained via those electronic or magnetic means rather than in writing. In this case, the relevant fisheries cooperative association is deemed to have obtained the relevant consent in writing.
- (3) Consent to the changing of the fishery right exercise rule or piscary exercise rule obtained via electronic or magnetic means (excluding means provided by Order of the Ministry of Agriculture, Forestry and Fisheries under Article 11-3, paragraph (5) of the Aquatic Industry Cooperative Association Act) as provided in the preceding paragraph is deemed to have reached the relevant fisheries cooperative association when the consent has been recorded as a file on a computer used by the fisheries cooperative association.
- (4) If a federation of fisheries cooperative associations which has prepared an authorized aquaculture area improvement plan intends to issue a resolution at a general meeting (including a representatives' meeting) on changing the fishery right exercise rule or piscary exercise rule as provided in paragraph (1) of this Article to be in conformance with the substance of the matter provided for in Article 4, paragraph (2), item (iii) of this Act, in order to have its members comply with the contents of that plan, and has obtained, pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries, the consent of all of the member fisheries cooperative associations that directly or indirectly have the specific members as their constituting members (hereinafter referred to as "specific members' associations"), the federation of fisheries cooperative

associations is not required to issue a resolution in accordance with Article 50 of the same Act as applied mutatis mutandis pursuant to Article 92, paragraph (3) of the same Act, notwithstanding Article 50 of the Aquatic Industry Cooperative Association Act (including as applied mutatis mutandis pursuant to Article 52, paragraph (6) of the same Act which is then applied mutatis mutandis pursuant to Article 92, paragraph (3) of the same Act; hereinafter the same applies in this paragraph) as applied mutatis mutandis pursuant to Article 92, paragraph (3) of the same Act.

- (5) The provisions of paragraphs (1) through (3) apply mutatis mutandis to the specific members' associations belonging to the federation of fisheries cooperative associations which has prepared the authorized aquaculture area improvement plan.

(Recommendations)

Article 7 (1) If any prefectural governor (or the Minister of Agriculture, Forestry and Fisheries if the Minister of Agriculture, Forestry and Fisheries exercises the authority of the prefectural governor concerned pursuant to the provisions of Article 183 of the Fishery Act; the same applies hereinafter) finds that a fisheries cooperative association, etc. does not use an aquaculture area in compliance with the basic policy and this causes its state to have markedly deteriorated, the prefectural governor is to recommend the relevant fisheries cooperative association, etc. to prepare an aquaculture area improvement plan or otherwise take necessary measures to improve the aquaculture area.

- (2) If a fisheries cooperative association, etc. that has received a recommendation provided for in the preceding paragraph has failed to follow the recommendations, the prefectural governor concerned may publicize this.

- (3) If the fisheries cooperative association, etc. that received a recommendation provided for in paragraph (1) does not take any measures related to the recommendation without justifiable grounds even after the prefectural governor concerned has made it public pursuant to the provisions of the preceding paragraph that the fisheries cooperative association, etc. did not follow the recommendation, and the prefectural governor finds it necessary to do so for fishing industry regulation or any other public interest, the prefectural governor is to take measure to improve the aquaculture area as provided for in Article 86, paragraph (1) of the Fishery Act, or any other appropriate measure.

(Obligation to Report Specified Diseases)

Article 7-2 (1) When a person operating or engaged in aquaculture finds that any farm-raised aquatic animal and plant which they own or manage has or is suspected of having contracted a specified disease, they must notify the

prefectural governor having jurisdiction over the location of the relevant farm-raised aquatic animals and plants to that effect without delay, according to the procedure provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

- (2) A prefectural governor who receives notification under the preceding paragraph may order the notifying person to allow their farm-raised aquatic animals and plants to undergo the inspection which the governor performs.
- (3) If a prefectural governor finds that the disease which farm-raised aquatic animals and plants subject to a notification under paragraph (1) have or are suspected of having contracted is a specified disease, or finds that an outbreak of any other specified disease has occurred, the governor must report to the Minister of Agriculture, Forestry and Fisheries and to the other relevant prefectural governors to that effect without delay, according to the procedure provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Restrictions on the Movement of Farm-Raised Aquatic Animals and Plants)

Article 8 (1) If any prefectural governor finds that there is a risk that a specified disease is likely to spread, the governor may issue the orders set forth in the following items to the extent required to prevent the spread of the disease:

- (i) restricting or inhibiting the person who owns or manages the farm-raised aquatic animals and plants that have or are suspected of having contracted a specified disease from relocating them;
  - (ii) ordering the person who owns or manages the farm-raised aquatic animals and plants that have or are suspected of having contracted a specified disease to burn or bury them, or otherwise dispose of them by a method capable of destroying the infectiousness of the pathogen of the specified disease;
  - (iii) restricting or inhibiting the person who owns or manages the farm-raised aquatic animals and plants (limited to an animal or plant located in the region designated by the prefectural governor concerned) likely to contract a specified disease from relocating them; and
  - (iv) ordering the person who owns or manages fishing nets, fish reserves and any other items specified by Order of the Ministry of Agriculture, Forestry and Fisheries on which the pathogen of a specified disease is deposited or is likely to be deposited, to sterilize them.
- (2) The prefectural governor concerned must report the implementation status and results of the order under the preceding paragraph to the Minister of Agriculture, Forestry and Fisheries according to the procedure provided by Order of the Ministry of Agriculture, Forestry and Fisheries, and also to the relevant prefectural governors.
  - (3) No request for administrative review may be filed against an order issued

under paragraph (1).

(Compensation for Losses)

- Article 9 (1) If a person suffers a loss due to any order under paragraph (1) of the preceding Article, the prefectural governor concerned must compensate the person for ordinary losses caused by the order.
- (2) A person claiming compensation pursuant to the provisions of the preceding paragraph must submit a written application stating the estimated compensation amount to the prefectural governor concerned.
- (3) If the prefectural governor concerned receives an application under the preceding paragraph, the prefectural governor must determine the compensation amount and notify the relevant applicant of the amount without delay.
- (4) Any person who is dissatisfied with the compensation amount determined under the preceding paragraph may ask for an increase in the compensation amount by filing an action within six months from the day when they receive notification of the determination.
- (5) An action under the preceding paragraph is filed against the prefecture concerned (or the national government if the Minister of Agriculture, Forestry and Fisheries exercises the authority of the prefectural governor concerned pursuant to the provisions of Article 183 of the Fishery Act; the same applies in Article 13, paragraph (3)).

(Inspection, Injection, Immersion Vaccines or other Drug Administration)

- Article 9-2 (1) If it is necessary to do so in order to prevent the spread of a specified disease, the prefectural governor may order any person who owns or manages the farm-raised aquatic animals and plants concerned to allow them to undergo inspection, injection, immersion vaccines or other drug administration which the prefectural governor performs.
- (2) The provisions of Article 8, paragraph (2) apply mutatis mutandis to an order under the preceding paragraph.

(Delivery of Certificate)

- Article 9-3 If a person who owns or manages a farm-raised aquatic animals and plants that has undergone inspection under Article 7-2, paragraph (2) or the inspection, injection, immersion vaccines or other drug administration under paragraph (1) of the preceding Article requests a document certifying that the farm-raised aquatic animals and plants has undergone them, the prefectural governor concerned must deliver a certificate to that effect as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(On-site Inspection)

- Article 10 (1) If a prefectural governor finds it necessary to do so in order to prevent an infectious disease in any farm-raised aquatic animals and plants, the prefectural governor may have relevant personnel enter an aquaculture area or any other place which is or is likely to be contaminated by the pathogen of the infectious disease; inspect the farm-raised aquatic animals and plants or anything else found at the place; question relevant persons; and collect the farm-raised aquatic animals and plants or other objects to the extent required for inspection.
- (2) The personnel conducting an on-site investigation, asking questions, or collecting objects pursuant to the provisions of the preceding paragraph must carry identification and produce it if requested by any person concerned.
- (3) The authority to inspect the site, ask questions and collect material for inspection pursuant to the provisions of paragraph (1) is not construed to include the authority to conduct a criminal investigation.

(Requests for Reports)

Article 11 If a prefectural governor finds it necessary to do so in order to prevent any infectious disease in any farm-raised aquatic animals and plants, the prefectural governor may request that the persons who own or manage the farm-raised aquatic animals and plants concerned report necessary matters according to the procedure provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Notification of Occurrence of a New Disease)

Article 12 When any prefectural governor finds that an outbreak of a new disease (meaning a disease in farm-raised aquatic animals and plants with symptoms obviously different from those of already known infectious diseases; hereinafter the same applies) has occurred, the prefectural governor must notify the Minister of Agriculture, Forestry and Fisheries to that effect according to the procedure provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Fish Epidemic Prevention Officers and Fish Epidemic Prevention Assistants)

- Article 13 (1) Each prefectural governor is to appoint fish epidemic prevention officers from among the personnel and have them engage in the work of preventing infectious diseases among farm-raised aquatic animals and plants as provided in this Act.
- (2) Each prefectural governor may commission some persons well versed in farm-raised aquatic animals and plants infectious diseases to work as fish epidemic prevention assistants.



(3) The fish epidemic prevention assistants respond to the consultations from aquaculture farmers, give advice to the farmers, or engage in private activities for the prevention of infectious diseases in farmed aquatic animals and plants to promote the policies of the prefecture concerned.

(Advancement of Test and Research)

Article 14 The Minister of Agriculture, Forestry and Fisheries must make efforts to conduct tests and research and to collect information necessary to prevent new diseases of which it is notified pursuant to the provisions of Article 12, and other farm-raised aquatic animals and plants infectious diseases.

(Guidance and Advice)

Article 15 Each prefectural governor is to provide necessary guidance and advice to the fisheries cooperative association, etc. and to other aquaculture farmers in conformity with the basic policy to assure sustainable aquaculture production.

(Classification of Administrative Functions)

Article 15-2 The administrative functions to be carried out by each prefectural governor pursuant to the provisions of Article 7-2, Article 8, paragraphs (1) and (2) (including as applied mutatis mutandis pursuant to Article 9-2, paragraph (2)), Article 9, paragraphs (1) through (3), Article 9-2, paragraph (1) and Article 9-3, are type 1 statutorily entrusted functions provided for in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

(Transitional Measures)

Article 16 When an order is enacted, amended or repealed pursuant to the provisions of this Act, necessary transitional measures (including transitional measures concerning the penal provisions) may be established by that order to the extent found reasonably necessary for that enactment, amendment or repeal.

(Penal Provisions)

Article 17 Any person who violates an order under Article 8, paragraph (1), item (i) is sentenced to imprisonment for not more than three years or to a fine of not more than one million yen.

Article 18 Any person who falls under any of the following items is sentenced to imprisonment for not more than one year or to a fine of not more than 500,000 yen:

(i) a person who violates the provisions of Article 7-2, paragraph (1); and

- (ii) a person who violates an order under Article 7-2, paragraph (2), or Article 8, paragraph (1), items (ii) or (iii).

Article 19 Any person specified in any of the following items is sentenced to a fine of not more than 300,000 yen:

- (i) a person who violates an order under Article 8, paragraph (1), item (iv) or Article 9-2, paragraph (1);
- (ii) a person who rejects, disturbs or evades inspection or collection under Article 10, paragraph (1); or does not respond or responds falsely during the questioning under the same paragraph; and
- (iii) a person who does not make a report under Article 11 or make a false report.

Article 20 If a representative of a corporation, or an agent, employee or other worker of a corporation or of an individual violates any of the three preceding Articles in connection with the business of the corporation or person, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine under the corresponding Article.

### **Supplementary Provisions**

This Act comes into effect as of the date of promulgation; provided, however, that the provisions of Articles 8 through 13 and Articles 17 through 20 come into effect as of the day specified by Cabinet Order within a period not exceeding six months from the day of promulgation.

### **Supplementary Provisions [Act No. 87 of July 16, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that the provisions listed in the following items come into effect as from the date provided in the relevant item:

- (i) the amending provisions in Article 1 which add five articles, section headings, two subsections and subsection headings after Article 250 of the Local Autonomy Act (limited to the part related to Article 250-9, paragraph (1) of the same Act (limited to the part related to obtaining the consent of both Houses of the Diet)); the provisions in Article 40 which amend paragraphs (9) and (10) of the Supplementary Provisions of the Natural Parks Act (limited to the part related to paragraph (10) of those Supplementary Provisions); the provisions of Article 244 (excluding the part related to the provisions amending Article 14-3 of the Agricultural

Improvement Promotion Act); and the provisions of Article 472 (excluding the part related to the provisions amending Article 6, Article 8 and Article 17 of the Act on Special Measures of Merger of Municipalities); and the provisions of Article 7, Article 10, Article 12, the proviso to Article 59, Article 60, paragraphs (4) and (5), Article 73, Article 77, Article 157, paragraphs (4) to (6), Article 160, Article 163, Article 164 and Article 202 of the Supplementary Provisions: the date of promulgation.

(Administrative Functions of the National Government)

Article 159 In addition to what is provided for in the respective laws prior to the amendment by this Act, administrative functions to be managed or performed by an organ of a local government on behalf of the national government, another local government, or other public entity pursuant to laws or Cabinet Orders based thereon prior to the enforcement of this Act (hereinafter referred to as "administrative functions of the national government, etc." in Article 161 of the Supplementary Provisions) are, after the enforcement of this Act, to be carried out by the local government as its own functions pursuant to laws or Cabinet Orders based thereon.

(Transitional Measures Concerning Appeals)

Article 161 (1) For an appeal under the Administrative Appeal Act against a disposition that has been undertaken, before the effective date and in connection with administrative functions of the national government, etc. by an administrative agency (hereinafter referred to in this Article as the "agency undertaking the disposition") that answered to a higher administrative agency as prescribed in that Act (hereafter in this Article referred to as the "higher administrative agency") before the effective date, the agency undertaking the disposition is deemed to continue to answer to a higher administrative agency even after the effective date, and the provisions of the Administrative Appeal Act apply. In such a case, the agency deemed to be the higher administrative agency to which the agency undertaking the disposition answers is that to which it answered before the effective date..

(2) In the case referred to in the preceding paragraph, if the administrative agency to be deemed as the higher administrative agency is a local government organ, the functions required to be carried out by the relevant organ pursuant to the provisions of the Administrative Appeal Act are the type 1 statutory entrusted functions provided for in Article 2, paragraph (9), item (i) of the new Local Autonomy Act..

(Transitional Measures Concerning Penal Provisions)

Article 163 Prior Acts continue to govern the applicability of penal provisions to

conduct that a person engages in before this Act comes into effect.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures for penal provisions) are prescribed by Cabinet Order.

(Review)

Article 250 For the type 1 statutory entrusted functions provided for in Article 2, paragraph (9), item (i) of the new Local Autonomy Act, no new functions are to be created, to the extent possible; and for the functions set forth in Appended Table 1 of the new Local Autonomy Act and functions provided for by Cabinet Order based on the new Local Autonomy Act, reviews are to be conducted from the perspective of promoting decentralization of authority, and these functions are to be amended as appropriate.

Article 251 To enable local governments to carry out their functions and projects autonomously and independently, the government, while taking account of trends in financial circumstances, is to review means of enhancing and securing local tax revenues in accordance with the distribution of roles between the national and local governments, and take necessary measures based on the results thereof.

**Supplementary Provisions [Act No. 126 of November 27, 2000] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding five months from the day of promulgation.

(Transitional Measures Concerning Penal Provisions)

Article 2 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect.

**Supplementary Provisions [Act No. 89 of June 29, 2001] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

**Supplementary Provisions [Act No. 90 of June 29, 2001] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

**Supplementary Provisions [Act No. 75 of June 19, 2002] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of January 1, 2003.

**Supplementary Provisions [Act No. 84 of June 9, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

**Supplementary Provisions [Act No. 36 of April 27, 2005] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

**Supplementary Provisions [Act No. 69 of June 13, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Administrative Complaint Review Act (Act No. 68 of 2014)

(Principles of Transitional Measures)

Article 5 Except as otherwise provided for in these Supplementary Provisions, prior laws continue to govern an appeal against a disposition or other action that an administrative agency takes before this Act comes into effect, and to govern an appeal against an administrative agency's inaction regarding an application that has been filed as of the time that this Act comes into effect.

(Transitional Measures Concerning Litigation)

Article 6 (1) Prior laws continue to govern the filing of an action with regard to matters for which the provisions of laws amended by the provisions of this Act prescribes an action may be filed only after a determination, decision or any other act is made by an administrative agency in relation to an administrative appeal and for which the statutes of limitation for filing an action has expired before this Act comes into effect while no administrative appeal has been entered (if this administrative appeal may be entered only after a

determination, decision or any other act is made by an administrative agency in relation to another administrative appeal, including matters for which the statute of limitations for filing an action has expired before this Act comes into effect while no other administrative appeal has been entered).

- (2) Prior laws continue to govern the filing of an action for revocation of a disposition or any other act against which an objection has been filed pursuant to the provisions of laws prior to amendment by the provisions of this Act (including cases which prior laws continue to govern pursuant to the provisions of the preceding Article) and for which the provisions of laws amended by the provisions of this Act prescribe an action for revocation may be filed only after a determination on a request for review is made.
- (3) Prior laws continue to govern an action for revocation of a determination, decision or any other act which has been made by an administrative agency in relation to an administrative appeal, and for which the action has been filed before this Act comes into effect.

(Transitional Measures Concerning Penal Provisions)

Article 9 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages before this Act comes into effect, and to conduct in which a person engages after this Act comes into effect if prior laws are to continue to govern that conduct pursuant to Article 5 of the Supplementary Provisions and the two preceding Articles.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 10 Beyond what is provided for in Article 5 of the Supplementary Provisions up to the preceding Article, Cabinet Order provides for the necessary transitional measures to bring this Act into effect (including transitional measures for penal provisions).

### **Supplementary Provisions [Act No. 95 of December 14, 2018] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by a Cabinet Order within a period not exceeding two years from the date of promulgation.