

Basic Act on Establishing a Sound Material-Cycle Society

(Act No. 110 of June 2, 2000)

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to comprehensively and systematically promote the policies for establishing a sound material-cycle society and thereby help ensure healthy and civilized way of living for both the present and future citizens, through providing fundamental principles on the establishment of a sound material-cycle society, in conformity with the basic philosophy of the Basic Environment Act (Act No. 91 of 1993), clarifying the responsibilities of the State, local governments, businesses and citizens, and formulating the Fundamental Plan for Establishing a Sound Material-Cycle Society and providing other fundamental matters for establishing a sound material-cycle society.

(Definitions)

Article 2 (1) The term "sound material-cycle society" as used in this Act means a society in which products, etc., are prevented or reduced from becoming wastes, etc., and when these products, etc., have become circulative resources their proper cyclical use is promoted, and proper disposal of circulative resources not put into cyclical use (meaning wastes as set forth in Article 2, paragraph (1) of the Waste Disposal and Public Cleansing Act (Act No. 137 of 1970); the same applies hereinafter) are ensured, thereby the consumption of natural resources are conserved and the environmental load is reduced to the greatest extent possible.

(2) The term "wastes, etc." as used in this Act means the following things:

(i) wastes;

(ii) objects previously used, objects collected without having been used, or objects disposed of (excluding those currently in use); or, objects derived incidentally in the course of manufacturing, processing, repairing, or selling products, in supplying energy, in construction in civil engineering and architecture, in agricultural and livestock production, and in other human activities (excluding wastes listed in the preceding item, radioactive substances, and things contaminated by radioactive substances).

(3) The term "circulative resources" as used in this Act means useful things among wastes.

- (4) The term "cyclical use" as used in this Act means reuse, recycling, and heat recovery.
- (5) The term "reuse" as used in this Act means the following actions:
 - (i) to use the circulative resources as is, as products (including using them after conducting repairs); and
 - (ii) to use the circulative resources in their entirety or in part as components or parts of products.
- (6) The term "recycling" as used in this Act means the use of circulative resources in their entirety or in part as raw materials.
- (7) The term "heat recovery" as used in this Act means to use for obtaining heat things that are circulative resources in their entirety or in part and that can be used for combustion, or that potentially have such use.
- (8) The term "environmental load" as used in this Act means the burden placed on the environment as prescribed in Article 2, paragraph (1) of the Basic Environment Act.

(Establishing a Sound Material-Cycle Society)

Article 3 The establishment of a sound material-cycle society must be undertaken so as to promote the realization of a society that can develop sustainably as it develops a sound economy with a minimized environmental load, through conducting relevant actions voluntarily and actively, taking account of their technological and economic potential.

(Proper Role Sharing)

Article 4 The establishment of a sound material-cycle society must be undertaken by having necessary measures carried out under the proper sharing of roles among the State, local governments, businesses, and citizens, and with the costs of such measures shared appropriately and fairly among them.

(Preventing or Reducing Raw Materials and Products from Becoming Wastes)

Article 5 Raw materials, products, etc. becoming wastes, etc., must be prevented or reduced to the greatest extent possible by means of efficient use of raw materials and the longest possible use of products, in light of the necessity of minimizing the environmental load resulting from the cyclical use or disposal of raw materials, products, etc. when they have become circulative resources.

(Cyclical Use and Disposal of Circulative Resources)

Article 6 (1) Circulative resources must be put into cyclical use to the greatest extent possible, in light of the need to reduce the environmental load by decreasing the quantity disposed of.

(2) The cyclical use and disposal of circulative resources must be undertaken properly so as not to pose impediments to environmental conservation.

(Fundamental Principles of the Cyclical Use and Disposal of Circulative Resources)

Article 7 The cyclical use and disposal of circulative resources must be undertaken to the extent technologically and economically possible, taking it into full consideration that, for the reduction of environmental load, it is necessary to undertake this process in accordance with the provisions of the following items. In this case, when it is found that not undertaking this process is effective in reducing the environmental load, consideration must be given not to undertake this process in accordance with the provisions of the following items:

- (i) all or a part of circulative resources which can be reused must be reused;
- (ii) all or a part of circulative resources that are not reused pursuant to the preceding item and that can be recycled must be recycled;
- (iii) all or a part of circulative resources that is not reused pursuant to item (i) nor recycled pursuant to the preceding item, and from which heat recovery is possible, heat recovery must be undertaken;
- (iv) all or a part of circulative resources that what does not undergo cyclical use pursuant to the preceding three items must be disposed of.

(Consideration on the Organic Coordination of Policies)

Article 8 In adopting policies for establishing a sound material-cycle society, necessary consideration is to be given so that organic coordination among policies for ensuring proper circulation of substances in nature and other measures for environmental conservation is conducted.

(Responsibility of the State)

Article 9 The State has the responsibility to formulate and implement fundamental and comprehensive measures for the establishment of a sound material-cycle society, in conformity with the fundamental principles for establishing a sound material-cycle society as prescribed in Articles 3 through 7 (hereinafter referred to as the "fundamental principles").

(Responsibility of Local Governments)

Article 10 Local governments, pursuant to the fundamental principles, has the responsibility to implement necessary measures to ensure proper cyclical use and disposal of circulative resources, as well as formulate and implement policies in accordance with the natural and social conditions of the areas of the local government, taking account the proper role-sharing with the State, in

establishing a sound material-cycle society.

(Responsibility of Businesses)

- Article 11 (1) In conducting business activities, pursuant to the fundamental principles, businesses have the responsibility to take necessary measures to prevent or reduce the raw materials, etc. from becoming wastes, etc., in the course of business activities and when raw materials, etc. have become circulative resources in the course of business activities, businesses have the responsibility to undertake proper cyclical use of such resources themselves, or to take necessary measures to enable their proper cyclical use. In cases in which raw materials, etc. cannot undergo cyclical use, businesses have the responsibility to undertake their proper disposal, on their own responsibility.
- (2) Businesses engaged in the manufacturing and sale, of products, containers, etc., pursuant to the fundamental principles, in the course of business activities, have the responsibility to take necessary measures to prevent or reduce such products, containers, etc. from becoming wastes, including by increasing the durability of the products, containers, etc. and by strengthening systems for conducting repairs to these goods. At the same time, these businesses have the responsibility to take necessary measures to facilitate the proper cyclical use of, and to minimize the difficulties involved in the proper disposal of, such products, containers, etc. that are circulative resources, by improving the design of these products, containers, etc., or indicating their materials or components.
- (3) Beyond what is provided for in the preceding paragraph, it is necessary for the State, local governments, businesses, and citizens to properly divide their responsibilities in order to undertake the cyclical use of products, containers, etc. which have become circulative resources in a proper and smooth manner. In cases in which the roles of particular businesses are found to be important in establishing a sound material-cycle society from the viewpoint of the design and selection of raw materials for products, containers, etc. and the collection, etc./ of products, containers, etc. that have become circulative resources, in accordance with the fundamental principles, the businesses undertaking the manufacture and sale, etc., of these products, containers, etc. have the responsibility to collect or deliver, or undertake the proper cyclical use of, these products, containers, etc. which have become circulative resources themselves, as their responsibility within the division of roles.
- (4) In cases in which the cyclical use of circulative resources is both technically and economically possible and in which the promotion of cyclical use is found important for advancing the establishment of a sound material-cycle society, businesses which are able to undertake the cyclical use of these circulative resources have the responsibility to undertake the proper cyclical use of these

circulative resources in the course of business activities, in accordance with the fundamental principles.

- (5) Beyond what is provided for in the preceding paragraphs, in accordance with the fundamental principles, businesses themselves have the responsibility to endeavor to establish a sound material-cycle society by using recycled articles, etc. in the course of business activities, and to cooperate with policies implemented by the State or local governments for establishing a sound material-cycle society.

(Responsibility of Citizens)

Article 12 (1) Citizens, in accordance with the fundamental principles, have the responsibility to endeavor to prevent or reduce the generation of wastes, etc. from products, etc. and to promote appropriate cyclical use of the products, etc. that have become circulative resources, as well as cooperate with the State and local governments regarding policies on the proper disposal of such products, etc., by using products as long as possible, using recycled articles, and cooperate in the separation and collection of circulative resources.

- (2) Beyond what is provided for in the preceding paragraph, with regard to the products, containers, etc. prescribed in paragraph (3) of the preceding Article, in accordance with the fundamental principles, citizens have the responsibility to cooperate with measures implemented by businesses, by properly delivering the products, containers, etc. that have become circulative resources to the businesses prescribed in that paragraph, and by other appropriate means.

- (3) Beyond what is provided for in the preceding two paragraphs, in accordance with the fundamental principles, citizens themselves have the responsibility to endeavor to establish a sound material-cycle society and cooperate with the policies by the State or local governments for establishing a sound material-cycle society.

(Legislative Measures)

Article 13 The Government must take legislative or financial measures and other measures necessary to implement the policies for establishing a sound material-cycle society.

(Annual Reports)

Article 14 (1) The Government must annually submit to the Diet reports on the state of the generation, cyclical use and disposal of circulative resources, and on the policies the government has adopted for establishing a sound material-cycle society.

- (2) The Government must annually prepare and submit to the Diet documents clarifying the policies it will adopt in light of the state of the generation,

cyclical use and disposal of circulative resources as reported under the preceding paragraph.

Chapter II The Fundamental Plan for Establishing a Sound Material-Cycle Society

(Formulation of the Fundamental Plan for Establishing a Sound Material-Cycle Society)

- Article 15 (1) The Government must establish a fundamental plan for establishing a sound material-cycle society (hereinafter referred to as the "Fundamental Plan for Establishing a Sound Material-Cycle Society"), for the purpose of comprehensive and systematic promotion of the policies for establishing a sound material-cycle society.
- (2) The Fundamental Plan for Establishing a Sound Material-Cycle Society is to prescribe the following matters:
- (i) fundamental principles on policies for establishing a sound material-cycle society;
 - (ii) the policies the Government should comprehensively and systematically adopt for establishing a sound material-cycle society;
 - (iii) beyond what is set forth in the preceding two items, other necessary matters for comprehensively and systematically promoting the policies for establishing a sound material-cycle society.
- (3) The Central Environment Council is to, by April 1, 2002, state its opinion to the Minister of the Environment regarding concrete guidelines for formulating the Fundamental Plan for Establishing a Sound Material-Cycle Society.
- (4) The Minister of the Environment, in accordance with the concrete guidelines under the preceding paragraph, must hear the opinion of the Central Environment Council, prepare a draft Fundamental Plan for Establishing a Sound Material-Cycle Society, and seek a Cabinet decision on the draft Fundamental Plan by October 1, 2003.
- (5) The Minister of the Environment, in preparing the draft Fundamental Plan for Establishing a Sound Material-Cycle Society, consult with the Ministers that have jurisdiction over the matters on securing effective use of resources.
- (6) After the Cabinet decision under paragraph (4) is obtained, the Minister of the Environment must, without delay, report the Fundamental Plan for Establishing a Sound Material-Cycle Society to the Diet as well as release the Plan to the public.
- (7) The Fundamental Plan for Establishing a Sound Material-Cycle Society is to be reviewed every five years in general, and the provisions of paragraph (3) through (5) of this Article apply mutatis mutandis to the amendments of the Fundamental Plan for Establishing a Sound Material-Cycle society. In this

case, the term "by April 1, 2002" in paragraph (3) is deemed to be replaced with "in advance," and the term "by October 1, 2003" in paragraph (4) is deemed to be replaced with "without delay."

(The Relationship between the Fundamental Plan for Establishing a Sound Material-Cycle Society and Other National Plans)

Article 16 (1) The Fundamental Plan for Establishing a Sound Material-Cycle Society is to be formulated based on the Basic Environment Plan prescribed in Article 15, paragraph (1), of the Basic Environment Act (simply referred to as the "Basic Environment Plan" in the following paragraph).

(2) With the exceptions of the Basic Environment Plan and the Fundamental Plan for Establishing a Sound Material-Cycle Society, the State's plans for establishing a sound material-cycle society are to be based on the Fundamental Plan for Establishing a Sound Material-Cycle Society.

Chapter III The Basic Policies for Establishing a Sound Material-Cycle Society

Section 1 Policies of the State

(Measures for Preventing or Reducing the Generation of Wastes from Raw Materials and Products)

Article 17 (1) The State is to adopt regulations and take other necessary measures so that businesses may prevent or reduce the generation of wastes, etc., from raw materials, etc., and products through effective use of raw materials, the use of reusable containers, etc., in its business activities.

(2) In order to prevent or reduce the generation of wastes, etc., by having the citizens use products for as long as possible, choose goods for which containers, etc., are not excessively used, and other means, the State is to disseminate knowledge related to these issues and take other necessary measures.

(Measures for Proper Recycling and Disposal of Circulative Resources)

Article 18 (1) The State is to adopt regulations and take other necessary measures so that businesses themselves, in their business activities, conduct appropriate cyclical use of the circulative resources resulting from the activities, or promote their appropriate cyclical use, or dispose on their own responsibility circulative resources not recycled.

(2) The State is to take necessary measures to promote the appropriate cyclical use and disposal of circulative resources through the citizens' cooperation in separate collection of their used products which have become circulative resources, in the appropriate and smooth implementation of such collection, delivery and recycling of circulative resources as prescribed in the following

paragraph, and other cooperative actions.

- (3) In order to promote the appropriate and smooth cyclical use of products, containers, etc. when they have become circulative resources, it is necessary for the State, local governments, businesses and citizens to share their respective roles properly in consideration of the technological difficulty in disposing of the circulative resources concerned, the possibility of cyclical use of such resources, etc., and when the roles that should be played by the businesses are found important from the viewpoints of the design of products, containers, etc., the selection of their raw materials, and the collection of the products, containers, etc. when they have become circulative resources, the State is to take necessary measures so that businesses engaged in manufacturing, selling, etc. of such products, containers, etc. will collect such products, containers, etc. which have become circulative resources, or deliver such circulative resources collected, or make appropriate cyclical use of such circulative resources collected.
- (4) The State, with regard to the circulative resources the cyclical use of which is technologically and economically possible and for which the promotion of cyclical use is found important in establishing a sound material-cycle society, is to adopt regulations and take other necessary measures so that the businesses able to implement cyclical use of such circulative resources in their business activities will appropriately conduct their cyclical use.

(Promotion of Use of Recycled Products)

Article 19 In order to contribute to the increase in demand for recycled products, the State is to take the lead in making use of recycled products and take necessary measures so that the use of recycled products by local governments, businesses and citizens will be promoted.

(Promotion of Ex-ante Evaluation of Products and Containers)

Article 20 (1) Taking into account the degree of environmental load by the recycling and disposal of circulative resources, the State is to provide technical support and take other necessary measures so that businesses in manufacturing, processing or selling goods or in other business activities, will make their own evaluation beforehand of the matters listed in the following items with regard to the products, containers, etc. involved in their business activities, and based on such evaluation results, will devise various means to reduce environmental load related to the products, containers, etc., prevent or reduce the generation of wastes from such products, containers, etc., promote the cyclical use of such products, containers, etc. when they have become circulative resources and reduce the environmental load by their cyclical use and disposal:

- (i) matters related to the durability of the products, containers, etc. involved in their business activities;
 - (ii) matters related to difficulties in the cyclical use and disposal of products, containers, etc. involved in their business activities when they have become circulative resources;
 - (iii) matters related to the weight or volume of the products, containers, etc. involved in their business activities when they have become circulative resources;
 - (iv) matters related to the types and quantities of the substances contained in the products, containers, etc. involved in their business activities, that have the risk of causing damage to human health or living environment (including properties closely related to human life, and plants and animals and their habitats closely related with human life), and the matters related to the degree of environmental load by the disposal of such products, containers, etc. when they have become circulative resources.
- (2) The State is to adopt regulations and take other necessary measures to ensure that businesses will provide information on the materials or substances in the products, containers, etc. involved in their business activities, the methods of their disposal, and other necessary information for their appropriate cyclical use and disposal, to prevent or reduce the generation of wastes, etc., of such products, containers, etc., or their cyclical use and disposal when they have become circulative resources, to businesses engaged in their cyclical use and disposal, citizens, etc.

(Prevention of Obstacles to Environmental Conservation)

Article 21 The State must adopt regulations and take other necessary measures to control the discharge of substances that cause pollution (meaning pollution prescribed in Article 2, paragraph (3) of the Basic Environment Act), in order to prevent or reduce the generation of wastes from raw materials, etc. and prevent obstacles on environmental conservation in the cyclical use and disposal of circulative resources.

(Measures on Removal of Obstacles to Environmental Conservation)

Article 22 In the case where the cyclical use and disposal of circulative resources are found to cause obstacles to environmental conservation, the State is to take necessary measures to have the businesses that used, disposed of or discharged the circulative resources causing obstacles to environmental conservation bear the expenses necessary for the appropriate treatment of the circulative resources, remove the obstacles to environmental conservation, and restore the affected environment to its original state. In this case, the State is to take necessary measures, including the creation of a fund by businesses, so that the

costs may be covered even when the businesses concerned cannot bear such expenses because they lack financial resources, it is not possible to ascertain their financial resources, or other reasons.

(Economic Measures to Prevent or Reduce Raw Materials from Becoming Wastes)

Article 23 (1) In order to promote persons engaged in the manufacturing or processing of products, etc., or the cyclical use, disposal, collection or transport of circulative resources in the course of trade develop their facilities for efficient use of raw materials, develop their facilities for manufacturing recycled products, or take other appropriate measures to prevent or reduce raw materials, etc., from becoming wastes, etc. or to conduct proper cyclical use and disposal of circulative resources, the State is to endeavor to take necessary measures to give them necessary and appropriate economic assistance, taking into account their economic situations, etc..

(2) With regard to policies to promote acts that contribute to the prevention or reduction of the generation of wastes, etc., from products, containers, etc. or the appropriate and smooth cyclical use or disposal of products, containers, etc. when they have become circulative resources to be taken by businesses and citizens when appropriate and fair economic burdens are imposed, the State is to properly conduct surveys and studies on the possible effects, influences on the Japanese economy, etc. if measures related to the matters are taken, and endeavor to gain the understanding and cooperation from citizens in advancing the establishment of a sound material-cycle society by using the policies related to the measures.

(Development of Public Facilities)

Article 24 The State is to take necessary measures to promote the development of public facilities used for the cyclical use, disposal, collection or transport of circulative resources (including mobile facilities), as well as other public facilities that contribute to the establishment of a sound material-cycle society.

(Measures to Ensure Proper Formulation of Policies by Local Governments)

Article 25 The State is to take necessary measures to ensure appropriate formulation and implementation of policies on the cyclical use and disposal of circulative resources, and other policies for establishing a sound material-cycle society taken by local governments.

(Financial Measures for Local Governments)

Article 26 The State is to endeavor to take necessary financial measures and other measures regarding the costs for local governments to formulate and

implement policies for establishing a sound material-cycle society.

(Advancement of Education and Study on the Establishment of a Sound Material-Cycle Society)

Article 27 In view of the fact that it is indispensable to gain the understanding and cooperation of businesses and citizens in order to facilitate the establishment of a sound material-cycle society, the State is to take necessary measures for advancing education and study on the establishment of a sound material-cycle society and improving its publicity activities.

(Measures to Encourage Voluntary Activities by Private Bodies)

Article 28 (1) The State is to take necessary measures to encourage voluntary activities for establishing a sound material-cycle society by businesses, citizens, or private bodies organized by them (referred to as "private bodies, etc." in the following paragraph), including such activities as collecting circulative resources, holding events for transfer or exchange of circulative resources, and showing that products, containers, etc. when they become circulative resources contribute to their cyclical use and disposal.

(2) The State is to endeavor to appropriately provide necessary information on the establishment of a sound material-cycle society, including information on the generation of circulative resources and the state of their cyclical use and disposal, to help promote voluntary activities by private bodies, etc. referred to in the preceding paragraph for the establishment of a sound material-cycle society.

(Conducting of Surveys)

Article 29 The State is to conduct necessary surveys to prepare and appropriately implement the policies for establishing a sound material-cycle society, including surveys on the generation, cyclical use and disposal of circulative resources, their future outlook, or the impact of disposal of circulative resources on the environment.

(Promotion of Science and Technology)

Article 30 (1) The State is to promote the development of science and technology for establishing a sound material-cycle society, including methods for evaluating the degree of environmental load resulting from the cyclical use and disposal of circulative resources and technologies for preventing or restraining the generation of wastes, etc., from products, etc. or for appropriate cyclical use and disposal of circulative resources.

(2) The State is to take necessary measures, including development of research systems, promotion of research and development activities, dissemination of its

results, and training of researchers, to promote the development of science and technology for establishing a sound material-cycle society.

(Measures for International Cooperation)

Article 31 In view of the importance of establishing a sound material-cycle society under international cooperation, the State is to endeavor to take necessary measures to ensure international coordination on the cyclical use and disposal of circulative resources and promote mutual international cooperation on the establishment of a sound material-cycle society.

Section 2 Policies of Local Governments

Article 32 Local governments are to implement necessary policies for establishing a sound material-cycle society in accordance with the natural and social conditions of the areas of the local government, by promoting their comprehensive and systematic advancement.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day of its promulgation; provided, however, that the provisions of Articles 15 and 16 come into effect on January 6, 2001.