

Act on the Measures by Large-Scale Retail Stores for Preservation of Living Environment

(Act No. 91 of June 3, 1998)

(Purpose)

Article 1 The purpose of this Act is to promote the sound development of a retail business by ensuring that proper consideration should be given, with regard to the location of a large-scale retail store, to the layout and operational method of the facilities by a person establishing the large-scale retail store, for the purpose of preserving the living environment of the surrounding area, and thereby to contribute to the sound development of the national economy and local communities and the improvement of the lives of the citizenry.

(Definitions)

Article 2 (1) The term "store floor area" as used in this Act means the floor area used by a store to conduct its retail business (excluding the restaurant business but including the goods processing and repair businesses; the same applies hereinafter).

(2) The term "a large-scale retail store" as used in this Act means a single building (including any specified by a Cabinet Order as a single building) with a total store floor area in the building exceeding the reference area set forth in paragraph (1) or paragraph (2) of the following Article.

(Reference Area)

Article 3 (1) The reference area is specified by a Cabinet Order.

(2) When there is a district in a prefecture where, in consideration of the living environment of the district, it is found appropriate to specify a reference area that exceeds the reference area set forth in the preceding paragraph, the prefecture may, by Prefectural Ordinance, specify another applicable reference area with regard to that district in lieu of the reference area set forth in the same paragraph, to the extent necessary and sufficient for the preservation of the living environment of the surrounding area.

(3) The Prefectural Ordinance set forth in the preceding paragraph must also clarify the scope of the district concerned.

(Guidelines)

Article 4 (1) The Minister of Economy, Trade and Industry is to consult with the heads of the relevant administrative organs to specify and publicize guidelines for the location of a large-scale retail store, concerning matters that a person

establishing a large-scale retail store should consider (hereinafter referred to as the "guidelines"), from the viewpoint of promoting the sound development of the retail business through the preservation of the living environment of the surrounding area.

- (2) The guidelines is to prescribe the following matters:
- (i) basic matters that a person establishing a large-scale retail store should consider;
 - (ii) the following matters concerning the layout and operating method of the facilities (meaning the stores and facilities attached thereto that are specified by Order of the Ministry of Economy, Trade and Industry; the same applies in paragraph (1) of the following Article) of a large-scale retail store:
 - (a) matters to be considered for securing the convenience of the residents and the convenience of commercial activities and other businesses in the surrounding area of the large-scale retail store, such as by meeting a demand for parking lots or by taking other measures;
 - (b) matters to be considered for preventing the deterioration of the living environment of the surrounding area of the large-scale retail store caused by noise and other factors.

(Notification concerning Establishment of a New Large-scale Retail Store)

Article 5 (1) A person establishing a new large-scale retail store (including cases where a large-scale retail store is newly established as a result of a change to the floor area of the building or a change to the whole or a part of the usage of the existing building; the same applies hereinafter) (excluding a person who newly establishes a part of the building for the purpose of using or having others use the space for purposes other than for stores to conduct retail business, but including a person who newly establishes or has already established a part of the building for the purpose of using or having others use the space for stores to conduct retail business; the same applies hereinafter) must make a notification concerning the following matters to the prefecture where that large-scale retail store is located (hereinafter simply referred to as the "prefecture"), pursuant to the provisions of a Cabinet Order:

- (i) the name and location of the large-scale retail store;
- (ii) the names and addresses of the person establishing the large-scale retail store and the person who conducts retail business at that large-scale retail store, and in the case of a juridical person, the name of the representative thereof;
- (iii) the date when the large-scale retail store is newly established;
- (iv) the total store floor area in the large-scale retail store;
- (v) matters concerning the layout of the facilities of the large-scale retail store that are specified by Order of the Ministry of Economy, Trade and Industry;

- (vi) matters concerning the operational method of the facilities of the large-scale retail store that are specified by Order of the Ministry of Economy, Trade and Industry.
- (2) A notification under the provision of the preceding paragraph must be attached with documents containing matters specified by Order of the Ministry of Economy, Trade and Industry.
- (3) A prefecture must, when a notification has been made as prescribed in paragraph (1), publicly notify an outline of the matters listed in the items of the same paragraph, the date of the notification and the place for public inspection promptly, and make that notification document and the attached documents set forth in the preceding paragraph available for public inspection for four months from the day the public notice is given, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (4) A person who has made a notification as prescribed in paragraph (1) must not establish a new large-scale retail store pertaining to that notification until eight months have elapsed from the date of that notification.

(Notification of Changes)

Article 6 (1) With regard to a large-scale retail store, for which a notification has been made as prescribed in paragraph (1) of the preceding Article, when there has been any change to the matters listed in item (i) or item (ii) of the same paragraph pertaining to that notification, a person newly establishing or who has already established that large-scale retail store must make a notification to that effect to the prefecture, without delay.

- (2) With regard to a large-scale retail store, for which a notification has been made as prescribed in paragraph (1) of the preceding Article, when there is to be any change to the matters listed in item (iii) to item (vi) of the same paragraph pertaining to that notification, a person newly establishing or who has already established that large-scale retail store must make a notification to that effect to the prefecture, in advance; provided, however, that this does not apply to changes specified by Order of the Ministry of Economy, Trade and Industry.
- (3) The provisions of paragraph (2) of the preceding Article apply *mutatis mutandis* to a notification under the provisions of the preceding paragraph, and the provisions of paragraph (3) of the same Article apply *mutatis mutandis* to a notification pursuant to the provisions of the preceding two paragraphs.
- (4) A person who has made a notification as prescribed in paragraph (2) pertaining to the matters listed in item (iii) to item (v) of paragraph (1) of the preceding Article must not make a change pertaining to that notification until eight months have elapsed from the date of that notification; provided, however, that this does not apply to minor changes specified by Order of the Ministry of

Economy, Trade and Industry.

- (5) A person who reduces the total store floor area in a large-scale retail store to less than the reference area set forth in Article 3, paragraph (1) (for a district for which another reference area has been specified pursuant to the provisions of paragraph (2) of the same Article, less than that other reference area) must make a notification to that effect to the prefecture.
- (6) The prefecture must, when a notification has been made as prescribed in the preceding paragraph, give a public notice to that effect, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Holding of a Briefing Session)

- Article 7 (1) A person who has made a notification as prescribed in Article 5, paragraph (1), or paragraph (2) of the preceding Article (excluding a notification concerning minor changes specified by Order of the Ministry of Economy, Trade and Industry set forth in the proviso to paragraph (4) of the same Article; the same applies hereinafter) must hold a briefing session to disseminate the contents of that notification and attached documents as set forth in Article 5, paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (3) of the preceding Article) (that notification and attached documents are referred to as the "notification, etc." in paragraph (4)) (hereinafter that briefing session is referred to as a "briefing session" in this Article), in the municipality where the large-scale retail store pertaining to that notification is located (hereinafter simply referred to as the "municipality"), within two months from the date of that notification, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) A person who holds a briefing session as prescribed in the preceding paragraph (hereinafter referred to as the "host of a briefing session" in this Article) must fix the scheduled date and place to hold the session and publicize this information, no later than one week prior to the scheduled date, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
 - (3) When the host of a briefing session intends to fix the scheduled date and place to hold the session, that host may hear the opinions of the prefecture and the municipality.
 - (4) When the host of a briefing session cannot hold a briefing session which that host has publicly notified as prescribed in paragraph (2), due to a cause that cannot be attributed to that host and is specified by Order of the Ministry of Economy, Trade and Industry, that host is not required to hold the briefing session. In this case, the host of a briefing session must endeavor to disseminate the contents of the notification, etc. pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
 - (5) In addition to what is prescribed in the preceding paragraphs, the matters

necessary for the holding of a briefing session are specified by Order of the Ministry of Economy, Trade and Industry.

(Opinions of Prefectures)

- Article 8 (1) A prefecture must, when having given a public notice as prescribed in Article 5, paragraph (3) (including as applied *mutatis mutandis* pursuant to Article 6, paragraph (3); the same applies in the following paragraph), promptly notify the municipality to that effect, and hear the opinions of the municipality from the viewpoint of preserving the living environment of the surrounding area of the large-scale retail store pertaining to that public notice within four months from the date of that public notice.
- (2) When a public notice has been given as prescribed in Article 5, paragraph (3), a person residing in the region of the municipality, a person conducting business activities in the municipality, the Chamber of Commerce and Industry or Commercial and Industrial Association covering the region of the municipality, other organizations located in the municipality, and any other person who has opinions on matters to be considered for preserving the living environment of the surrounding area by the person who establishes the large-scale retail store pertaining to that public notice may present those opinions to the prefecture, by submitting written opinions, within four months from the date of that public notice.
- (3) The prefecture must, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, publicly notify the outline of the opinions obtained from the municipality as prescribed in paragraph (1) and the opinions presented as prescribed in the preceding paragraph, and make these opinions available for public inspection for one month from the date of the public notice.
- (4) Within eight months from the day on which a notification was made as prescribed in Article 5, paragraph (1) or Article 6, paragraph (2), the prefecture is to, while taking into account the opinions obtained from the municipality as prescribed in paragraph (1) and the opinions presented as prescribed in paragraph (2) and considering the guidelines, present its opinions in writing to the person who has made that notification if it has any opinions from the viewpoint of preserving the living environment of the surrounding area of the large-scale retail store pertaining to that notification, or notify the person that it has no opinion.
- (5) In cases where the prefecture has notified that it has no opinion as prescribed in the preceding paragraph, the provisions of Article 5, paragraph (4) and Article 6, paragraph (4) do not apply.
- (6) The prefecture must, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, publicly notify the outline of the opinions that it has presented as prescribed in paragraph (4), and make those opinions

- available for public inspection for one month from the date of the public notice.
- (7) A person who has made a notification as prescribed in Article 5, paragraph (1) or Article 6, paragraph (2) is to, in cases where opinions were presented as prescribed in paragraph (4), based on those opinions, make a notification to the prefecture to the effect that the person will alter that notification or make a report to the prefecture to the effect that the person will not alter that notification.
- (8) The provisions of Article 5, paragraph (2) and paragraph (3) apply *mutatis mutandis* to a notification under the provisions of the preceding paragraph.
- (9) In cases where opinions were presented as prescribed in paragraph (4), notwithstanding the provisions of Article 5, paragraph (4) or Article 6, paragraph (4), a person who has made a notification as prescribed in Article 5, paragraph (1) or a notification concerning matters listed in item (iii) to item (v) of the same paragraph as prescribed in Article 6, paragraph (2) must not establish the new large-scale retail store pertaining to that notification or make the change pertaining to that notification until two months have elapsed from the date of the notification or the report as prescribed in paragraph (7), respectively.
- (10) The provisions of Article 6 do not apply to a notification under the provisions of paragraph (7).

(Recommendation of Prefectures)

- Article 9 (1) When a prefecture finds that the contents of a notification or report under the provisions of paragraph (7) of the preceding Article do not properly reflect the opinions that the prefecture had presented as prescribed in paragraph (4) of the same Article, and when it finds that it is difficult to prevent the occurrence of a situation that may have extremely harmful effects on the living environment of the surrounding area of the large-scale retail store pertaining to that notification or report, the prefecture may, while having heard the opinions of the municipality and considered the guidelines, recommend that the person who has made a notification as prescribed in Article 5, paragraph (1) or Article 6, paragraph (2) take the necessary measures, by attaching the reason therefor, only within two months from the day on which that notification or report was made.
- (2) The content of a recommendation under the provisions of the preceding paragraph does not exceed the extent necessary to prevent the occurrence of the situation prescribed in the same paragraph and must be unlikely to unjustly harm the interests of a person who has made a notification as prescribed in Article 5, paragraph (1) or Article 6, paragraph (2).
- (3) A prefecture must, when having made a recommendation as prescribed in paragraph (1), notify the municipality of that recommendation and give a

public notice of the content of that recommendation, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

- (4) A person who has received a recommendation from the prefecture as prescribed in paragraph (1) is to, based on that recommendation, make a notification concerning the necessary changes to the prefecture.
- (5) The provisions of Article 5, paragraph (2) and paragraph (3) apply *mutatis mutandis* to a notification under the provisions of the preceding paragraph.
- (6) The provisions of Article 6 do not apply to a notification under the provisions of paragraph (4).
- (7) A prefecture may, when having made a recommendation as prescribed in paragraph (1) and when the person who made a notification concerning that recommendation did not follow that recommendation without reasonable cause, make a public notification to that effect.

(Consideration for Preserving the Living Environment)

Article 10 (1) A person who has made a notification as prescribed in Article 5, paragraph (1), Article 6, paragraph (2), Article 8, paragraph (7), or paragraph (4) of the preceding Article must, based on that notification, maintain and operate the large-scale retail store, while giving proper consideration to preserving the living environment of the surrounding area of that large-scale retail store.

- (2) A retailer who conducts business activities at a large-scale retail store must endeavor to cooperate in order to achieve the smooth implementation of the matters concerning a notification under the provisions of the preceding paragraph.

(Succession)

Article 11 (1) A person who has succeeded to, from a person who has made a notification as prescribed in Article 5, paragraph (1) or Article 6, paragraph (1) or paragraph (2), a notification or report as prescribed in Article 8, paragraph (7), or a notification as prescribed in Article 9, paragraph (4), possession of the large-scale retail store pertaining to that notification or report succeeds to the status of the person who has made that notification or report pertaining to that large-scale retail store.

- (2) With regard to a person who has made a notification as prescribed in Article 5, paragraph (1) or Article 6, paragraph (1) or paragraph (2), a notification or report as prescribed in Article 8, paragraph (7), or a notification as prescribed in Article 9, paragraph (4), when there has been an inheritance, merger or split (limited to cases where possession of the large-scale retail store pertaining to that notification or report is to be succeeded to), an heir, a juridical person surviving after the merger, a juridical person established due to the merger, or

a juridical person that has succeeded to possession of that large-scale retail store due to the split succeeds to the status of the person who has made that notification or report.

- (3) A person who has succeeded to, pursuant to the provisions of the preceding two paragraphs, the status of the person who has made a notification as prescribed in Article 5, paragraph (1) or Article 6, paragraph (1) or paragraph (2), a notification or report as prescribed in Article 8, paragraph (7), or a notification as prescribed in Article 9, paragraph (4) must notify to that effect to the prefecture without delay.

(Cooperation of Relevant Administrative Organs)

Article 12 A prefecture may, when finding it necessary to achieve the purpose of this Act, request the cooperation of relevant administrative organs or relevant local public entities.

(Measures by Local Public Entities)

Article 13 A local public entity is to, when taking the necessary measures, with regard to the location of a store to conduct retail business, for preserving the living environment of the surrounding area, respect the purport of this Act, without taking into account the supply-demand situation of the region.

(Collection of Reports)

Article 14 (1) The prefectural governor may request a person who establishes a large-scale retail store to submit a report to the extent necessary for the enforcement of this Act, pursuant to the provisions of Cabinet Order.

- (2) The prefectural governor may, when requesting a person establishing a large-scale retail store to submit a report as prescribed in the preceding paragraph and when finding it particularly necessary, request a person who conducts retail business in that large-scale retail store to submit a report that will serve as a reference, to the extent necessary, pursuant to the provisions of Cabinet Order.

(Special Provision for Large Cities)

Article 15 In a Designated City set forth in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) (hereinafter referred to as a "Designated City" in this Article), affairs to be handled by a prefecture or the prefectural governor pursuant to the provisions of this Act are to be handled by the Designated City or the head of the Designated City. In this case, the provisions concerning prefectures or prefectural governors in this Act apply to Designated Cities or the head of Designated Cities as the provisions concerning Designated Cities or the head of Designated Cities.

(Transitional Measures)

Article 16 In cases where an order is established, revised or repealed based on the provisions of this Act, the order may specify the necessary transitional measures (including transitional measures concerning penal provisions) to the extent found to be reasonably necessary for such establishment, revision, or repeal.

(Penal Provisions)

Article 17 A person falling under any of the following items is punished by a fine of not more than one million yen:

- (i) a person who has failed to make a notification as prescribed in Article 5, paragraph (1) or has made a false notification, or who has submitted the attached documents set forth in paragraph (2) of the same Article (including as applied mutatis mutandis pursuant to Article 6, paragraph (3), Article 8, paragraph (8) and Article 9, paragraph (5)) that contain a false entry;
- (ii) a person who has failed to make a notification as prescribed in Article 6, paragraph (2) or has made a false notification;
- (iii) a person who has made a false notification when making a notification as prescribed in Article 8, paragraph (7) or Article 9, paragraph (4).

Article 18 A person who has violated the provisions of Article 5, paragraph (4), Article 6, paragraph (4), or Article 8, paragraph (9) is punished by a fine of not more than five hundred thousand yen.

Article 19 A person who has failed to submit a report as prescribed in Article 14 or has submitted a false report is punished by a fine of not more than three hundred thousand yen.

Article 20 When the representative of a juridical person or an agent, employee or any other worker of a juridical person or an individual has committed a violation set forth in the preceding three Articles, with regard to the business of that juridical person or individual, not only the offender is punished but also that juridical person or individual is sentenced to the punishment set forth in the same Articles, respectively.

Article 21 A person who has failed to make a notification as prescribed in Article 6, paragraph (1) or paragraph (5), or Article 11, paragraph (3), or has made a false notification is punished by a civil fine of not more than two hundred thousand yen.

Supplementary Provisions [Extract]

(Effective Date)

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

(Repeal of the Act on the Adjustment of Business Activities of Retail Business at Large-scale Retail Stores)

Article 2 The Act on the Adjustment of Business Activities of Retail Business at Large-scale Retail Stores (Act No. 109 of 1973) is repealed.

(Repeal of the Act on Special Provisions of the Act on the Adjustment of Business Activities of Retail Business at Large-scale Retail Stores concerning the Establishment of Selling Spaces for Imported Goods)

Article 3 The Act on Special Provisions of the Act on the Adjustment of Business Activities of Retail Business at Large-scale Retail Stores concerning the Establishment of Selling Spaces for Imported Goods (Act No. 81 of 1991) is repealed.

(Transitional Measures)

Article 4 With regard to a restriction on the commencement of business or the increase of the store floor area of a retail business to which a public notice given pursuant to the provision of Article 3, paragraph (2) or paragraph (3) of the Act on the Adjustment of Business Activities of Retail Business at Large-scale Retail Stores prior to the repeal as prescribed in Article 2 of the Supplementary Provisions (hereinafter referred to as the "Former Act") pertains, or with regard to a notification, change of notification, succession, recommendation, order to change matters in a recommendation, order to suspend business, report or on-site inspection as prescribed in Article 5, paragraph (1), Article 6, paragraph (1) or paragraph (2), or Article 9, paragraph (1) to paragraph (3) of the Former Act, in cases where any of such acts has been conducted prior to the enforcement of this Act, the provisions then in force remain applicable.

Article 5 (1) When a person who has already established a large-scale retail store, at the time of the enforcement of this Act, intends to change the matters listed in Article 5, paragraph (1), item (iv) to item (vi), with regard to said large-scale retail store, for the first time on or after the date of the enforcement of this Act (with regard to a large-scale retail store whose total store floor area comes to exceed the total as on the date of the enforcement of this Act as a result of the commencement of business or the increase of the store floor area

pertaining to a notification under the provision of Article 5, paragraph (1) or Article 6, paragraph (1) or paragraph (2) of the Former Act, by the day on which eight months have elapsed from the date of the enforcement of this Act, for the first time on or after the date of the commencement of business or the increase of the store floor area), such person must notify the prefecture to that effect and regarding any matters listed in Article 5, paragraph (1), item (i), item (ii), or item (iv) to item (vi) that are other than those pertaining to said change.

- (2) The provisions of Article 5, paragraph (1) do not apply to a person who had made a notification as prescribed in Article 5, paragraph (1) or Article 6, paragraph (1) or paragraph (2) of the Former Act and who newly establishes what comes to fall under the category of a large-scale retail store by commencing a business or increasing the store floor area pertaining to said notification at a building pertaining to a public notice under the provision of Article 3, paragraph (2) or paragraph (3) of the Former Act by the day on which eight months have elapsed from the date of the enforcement of this Act.
- (3) The provisions of paragraph (1) apply *mutatis mutandis* to cases where a person establishing a large-scale retail store set forth in the preceding paragraph intends to change the matters listed in Article 5, paragraph (1), item (iv) to item (vi), with regard to said large-scale retail store, for the first time on or after the date of the commencement of business or the increase of the store floor area under the provision of the preceding paragraph.
- (4) A notification of matters concerning a change under the provision of paragraph (1) (including the cases where it is applied *mutatis mutandis* pursuant to the preceding paragraph; the same applies in the following paragraph) is deemed to be a notification under the provision of Article 6, paragraph (2).
- (5) With regard to the application of the provisions of Article 6, paragraph (1) and paragraph (2), Article 10, paragraph (1), and Article 11, part of a notification made under the provision of paragraph (1) regarding matters other than those concerning a change is deemed to be a notification made under the provision of Article 5, paragraph (1).

- Article 6 (1) A person who has failed to make a notification as prescribed in paragraph (1) of the preceding Article (including the cases where it is applied *mutatis mutandis* pursuant to paragraph (3) of the same Article) or who has made a false notification is punished by a fine of not more than one million yen.
- (2) When the representative of a juridical person or an agent, employee or any other worker of a juridical person or an individual has committed a violation set forth in the preceding paragraph, with regard to the business of said juridical person or individual, not only the offender is punished but also said

juridical person or individual is sentenced to the punishment set forth in the same paragraph.

Article 7 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act in cases where the provisions then in force remain applicable pursuant to the provisions of Article 4 of the Supplementary Provisions, the provisions then in force remain applicable.

(Delegation to a Cabinet Order)

Article 8 In addition to what is prescribed in Article 4 to the preceding Article of the Supplementary Provisions, other transitional measures necessary for the enforcement of this Act are specified by a Cabinet Order.

Supplementary Provisions [Act No. 34 of April 23, 1999] [Extract]

(Effective Date)

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

Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act (excluding Article 2 and Article 3) comes into effect as from January 6, 2001.

Supplementary Provisions [Act No. 91 of May 31, 2000]

(Effective Date)

(1) This Act comes to effect as from the date of the enforcement of the Act for Partial Revision of the Commercial Code, etc. (Act No. 90 of 2000).

(Transitional Measures)

(2) In cases where the date on which this Act comes into effect is prior to the date of the enforcement of the provisions of Article 8 of the Supplementary Provisions of the Act on the Food and Agricultural Materials Inspection Center (Act No. 183 of 1999), the term "Article 27" in the provisions of Article 31 for revising Article 19-5-2, Article 19-6, paragraph (1), item (iv) and Article 27 of the Act on Standardization and Proper Labeling of Agricultural and Forestry Products is deemed to be replaced with "Article 26."