

# **Act on the Settlement of Environmental Pollution Disputes**

(Act No. 108 of June 1, 1970)

- Chapter I General Provisions (Articles 1 and 2)
- Chapter II Mechanisms for the Settlement of Environmental Pollution Disputes
  - Section 1 Environmental Dispute Coordination Commission (Articles 3 to 12)
  - Section 2 Prefectural Pollution Review Boards (Articles 13 to 23)
- Chapter III Procedures for the Settlement of Environmental Pollution Disputes
  - Section 1 General Provisions (Articles 23-2 to 23-5)
  - Section 2 Mediation, Conciliation, and Arbitration
    - Subsection 1 General Rules (Articles 24 to 27-3)
    - Subsection 2 Mediation (Articles 28 to 30)
    - Subsection 3 Conciliation (Articles 31 to 38)
    - Subsection 4 Arbitration (Articles 39 to 42)
  - Section 3 Adjudication
    - Subsection 1 General Rules (Articles 42-2 to 42-11)
    - Subsection 2 Adjudication of Liability (Articles 42-12 to 42-26-2)
    - Subsection 3 Adjudication of the Cause of Damage (Articles 42-27 to 42-33)
  - Section 4 Auxiliary Provisions (Articles 43 to 47)
- Chapter IV Miscellaneous Provisions (Articles 48 to 50)
- Chapter V Penal Provisions (Articles 51 to 55)
- Supplementary Provisions

## **Chapter I General Provisions**

(Purpose)

Article 1 The purpose of this Act is to facilitate the prompt and appropriate settlement of disputes pertaining to environmental pollution, through the establishment of systems for mediation, conciliation, arbitration, and adjudication, etc.

(Definitions)

Article 2 The term "environmental pollution" as used in this Act means pollution specified in Article 2, paragraph (3) of the Basic Environment Act (Act No. 91 of 1993).

## **Chapter II Mechanisms for the Settlement of Environmental Pollution**

## **Disputes**

### **Section 1 Environmental Dispute Coordination Commission**

(Environmental Dispute Coordination Commission)

Article 3 The Environmental Dispute Coordination Commission (hereinafter referred to as the "central commission") conducts mediation, conciliation, arbitration, and adjudication on disputes concerning environmental pollution pursuant to the provisions of this Act, and provides guidance, etc. on local governments' settlement of complaints concerning environmental pollution.

Article 4 Deleted

Article 5 Deleted

Article 6 Deleted

Article 7 Deleted

Article 8 Deleted

Article 9 Deleted

Article 10 Deleted

Article 11 Deleted

Article 12 Deleted

### **Section 2 Prefectural Pollution Review Boards**

(Establishment of a Review Board)

Article 13 Any prefecture may establish a prefectural pollution review board (hereinafter referred to as a "review board") pursuant to the provisions of Prefectural Ordinance.

(Affairs under the Jurisdiction of a Review Board)

Article 14 Affairs under the jurisdiction of a review board are to be as follows:

- (i) conducting mediation, conciliation, and arbitration on disputes pertaining to environmental pollution pursuant to the provisions of this Act; and
- (ii) beyond what is set forth in the preceding item, carrying out the matters under the authority of the review board pursuant to the provisions of this Act

(Organization of a Review Board)

Article 15 (1) A review board consists of 9 to 15 members.

- (2) A review board has a chairperson, who is elected by the vote of the members from among themselves.
- (3) The chairperson presides over the affairs of the review board and represent the review board.
- (4) If an accident occurs to the chairperson, a member appointed beforehand by the chairperson execute the chairperson's duties on their behalf.

(Members of a Review Board)

Article 16 (1) The prefectural governor appoints members from among persons of upstanding character and insight with the consent of the prefectural assembly.

- (2) Any person to which any of the following items applies may not become a member:
  - (i) a bankrupt who has not been restored their rights
  - (ii) a person who has been sentenced to imprisonment without work or heavier punishment
- (3) The term of office of a member is three years; provided, however, that the term of office of a substitute member is to be the remaining term of office of their predecessor.
- (4) Any member may be reappointed.
- (5) If a member comes to fall under any of the items of paragraph (2), the member is to lose their position.
- (6) When the prefectural governor finds that a member has become unable to execute their duties due to mental or physical impairment, or that a member has committed a violation of their obligations in the course of duties or other misconduct unbecoming a member, the prefectural governor may dismiss the member with the consent of the prefectural assembly.

(Review Board Members' Duties)

Article 17 (1) No member must divulge any secret which may have come to that member's knowledge in the course of the duties. The same applies to any member after retirement from the position.

- (2) While in office, no member must become an officer of a political party or other political groups or actively engage in a political activities.

(Meetings of the Review Board)

Article 17-2 (1) Meetings of the review board are convened by the chairperson.

- (2) The review board may neither hold a meeting nor make a resolution without the attendance of the chairperson and the majority of its members.

- (3) Decisions of the review board are effected by a majority of its attendees, and in case of a tie vote, the chairperson effects the final decision.
- (4) With regard to the application of the provisions of paragraph (2) when an accident has befallen the chairperson, the member specified in Article 15, paragraph (4) is regarded as the chairperson.

(Candidates for Pollution Review Board Member)

Article 18 (1) In a prefecture that does not have a review board, the prefectural governor must every year delegate not less than 9 and not more than 15 candidates for pollution review board member and prepare a list thereof (hereinafter referred to as "list of candidates").

- (2) Candidates for pollution review board member must be appointed from among persons of upstanding character and insight.

(Mutatis Mutandis Application to Candidates for Pollution Review Board Member)

Article 19 The provisions of Article 16, paragraphs (2) and (5) apply mutatis mutandis to candidates for pollution review board member. In this case, the term "their position" in paragraph (5) thereof is deemed to be replaced with "their standing."

(Establishment of a Federal Review Board)

Article 20 Any prefecture may cooperate with other prefectures to establish a Federal Pollution Review Board (hereinafter referred to as the "federal review board") for a particular case.

(Affairs under the Jurisdiction of a Federal Review Board)

Article 21 The federal review board conducts mediation and conciliation on disputes concerning environmental pollution pursuant to the provisions of this Act.

(Organization of a Federal Review Board)

Article 22 A federal review board consists of the same number of members from each prefectural review board (or those specified in the list of candidates if the prefecture has no Review Board) whose members have been appointed by the chairperson of each prefectural review board (or the prefectural governor if the prefecture has no review board).

(Mutatis Mutandis Application of Provisions to Members of the Federal Review Board)

Article 23 The provisions of Article 16, paragraph (6) and Article 17 apply

mutatis mutandis to the members of the federal review board appointed from among those specified in the list of candidates. In this case, the term "the member with the consent of the prefectural assembly" in Article 16, paragraph (6) is deemed to be replaced with "the member."

**Chapter III Procedures for the Settlement of Environmental Pollution  
Disputes  
Section 1 General Provisions**

(Representatives)

Article 23-2 (1) Any party may appoint as a representative an attorney, legal professional corporations, or a person approved by the conciliation committee, the arbitration committee, or the adjudication committee.

(2) The approval mentioned in the preceding paragraph may be revoked at any time.

(3) The proof of representative authority must be given in writing.

(4) With regard to the matters listed in the following items, a representative must be specially entrusted:

(i) withdrawal of application

(ii) acceptance of conciliation proposal

(iii) appointment of a representative

(iv) appointment of a representative party as provided for in Article 42-7, paragraph (1)

(Independent Representation)

Article 23-3 If there are two or more representatives, each of them represents the principal.

(Participation)

Article 23-4 (1) When conciliation or adjudication procedure is pending for a dispute concerning damage from environmental pollution, persons claiming damages resulting from the same cause may participate as parties to the proceedings with the permission of the conciliation committee or the adjudication committee.

(2) Before the conciliation committee or the adjudication committee gives permission as provided for in the preceding paragraph, it must hear the opinions of the parties in advance.

(Delegation of the Implementation of Conciliation Proceedings)

Article 23-5 The conciliation committee, the arbitration committee, or the adjudication committee may have the conciliation committee member,

arbitration committee member or adjudication committee member carry out a portion of its proceedings respectively.

## **Section 2 Mediation, Conciliation, and Arbitration**

### **Subsection 1 General Rules**

(Jurisdiction)

- Article 24 (1) The central commission has jurisdiction over mediation, conciliation, and arbitration in the disputes listed in the following items.
- (i) disputes designated by Cabinet Order concerning environmental pollution that causes considerable damage to human health or the living environment (meaning the living environment as specified in Article 2, paragraph (3) of the Basic Environment Act) and that has caused the relevant damage, or is likely to cause the relevant damage to a considerable amount of people.
  - (ii) beyond what is set forth in the preceding item, disputes designated by Cabinet Order concerning environmental pollution that needs to be settled from a broad perspective that encompasses two or more prefectures.
  - (iii) beyond what is set forth in the preceding two items, disputes concerning environmental pollution that causes damage in an area of a prefecture other than the prefecture where the business activity or other human activity causing the pollution is carried out, or disputes concerning environmental pollution that causes damage to areas of two or more prefectures or that is caused by business activities or other human activities in areas of two or more prefectures.
- (2) The review board (or the prefectural governor if the prefecture has no review board; hereinafter collectively referred to as the "review board, etc.") has jurisdiction over mediation, conciliation, and arbitration concerning any disputes other than those listed in the items of the preceding paragraph.
- (3) Notwithstanding the provisions of the preceding two paragraphs, the parties may determine the jurisdiction over arbitration through mutual agreement.

(Transfers)

Article 25 If a case in relation to which an application has been submitted as provided in paragraph (1) of the following Article is not under its jurisdiction, the central commission or the review board, etc. is to transfer the case to the competent review board, etc. or the competent central commission.

(Applications)

Article 26 (1) When a compensation for loss or damage or any other civil dispute arises concerning damage from environmental pollution, either or both of the parties may submit a written application for mediation, conciliation, or

arbitration to the central commission pursuant to the provisions of the Environmental Dispute Coordination Commission's Rules, or to a review board, etc. as provided for in Cabinet Order. If an application is submitted to a review board, the application must be submitted through the prefectural governor where the review board is located.

- (2) An arbitration application filed by either party must be based on a mutual agreement to the effect that arbitration will be conducted pursuant to the provisions of this Act.

(Exceptions to the Disputes Listed in Article 24, Paragraph (1), Item (iii))

Article 27 (1) An application for mediation or conciliation concerning a dispute listed in Article 24, paragraph (1), item (iii) must be submitted to any of the relevant prefectural governors.

- (2) When a dispute in relation to which an application for mediation or conciliation has been submitted as provided in paragraph (1) of the preceding Article, falls under the category of disputes listed in Article 24, paragraph (1), item (iii), the review board, etc. must notify the prefectural governor to that effect.
- (3) When an application has been submitted as provided for in paragraph (1) or when a notification has been made as provided in the preceding paragraph, the prefectural governor must consult with the governors of the related prefectures about the establishment of a federal review board for the settlement of the dispute related to the application or the notification.
- (4) When a federal review board is established to settle a dispute in relation to which an application has been filed as provided in paragraph (1) or in relation to which a notification has been made as provided in paragraph (2), the federal review board is to have jurisdiction over the mediation or conciliation for the dispute. In this case, the central commission has no jurisdiction over the dispute.
- (5) If consultation cannot be arranged as provided in paragraph (3), the prefectural governor is to send the documents related to the case to the central commission without delay.

(Exceptions to the Commencement of Mediation or Conciliation)

Article 27-2 (1) If a civil dispute has arisen concerning environmental pollution that causes considerable damage to a wide area, and the parties' negotiations are not progressing smoothly, the central commission or the review board may, based on a resolution, conduct mediation, after researching the actual situation and hearing opinions from the parties, when it finds that serious effects on society, such as hardships in the lives of many victims, etc. will arise unless some action is taken in relation to the dispute.

- (2) The review board's mediation provided for in the preceding paragraph is to be conducted at the request of the prefectural governor.
- (3) In the case referred to in paragraph (1), only when there are found to be reasonable grounds, taking into consideration the addresses of the parties, the actual status of the dispute, and other circumstances, the central commission or the review board may determine the jurisdiction by consultation with the review board, etc. or the central commission respectively, notwithstanding the provisions of Article 24, paragraph (1) or paragraph (2).

Article 27-3 (1) With regard to a dispute in relation to which mediation is being conducted as provided for in paragraph (1) of the preceding Article, when the central commission or the review board finds it difficult to settle the dispute through the mediation, it may, based on a resolution, conduct a conciliation for the dispute after hearing opinions from the parties, if the mediation committee members so propose and the central commission or the review board finds it reasonable to do so.

- (2) If the jurisdiction over the mediation for the dispute is determined as provided in paragraph (3) of the preceding Article, the jurisdiction over the conciliation specified in the preceding paragraph is in accordance with that determination.

### **Subsection 2 Mediation**

(Appointment of Mediation Committee Members)

- Article 28 (1) Mediation by the central commission or the review board, etc. is conducted by up to three mediation committee members.
- (2) The chairperson of the central commission or the chairperson of the review board (or the prefectural governor if the prefecture has no review board; hereinafter collectively referred to as the "chairperson of the review board, etc.") appoints the mediation committee members provided for in the preceding paragraph for each case from among the chairperson and members of the central commission or the members of the review board (or the persons on the list of candidates if the prefecture has no review board; hereinafter collectively referred to as "members of the review board, etc.").
  - (3) When the federal review board conducts a mediation, all the members of the federal review board participate in the mediation as mediation committee members.
  - (4) The provisions of Article 16, paragraph (6) and Article 17 apply mutatis mutandis to the mediation committee members appointed from among those on the list of candidates. In this case, the term "the member with the consent of the prefectural assembly" in Article 16, paragraph (6) is deemed to be replaced



with "the member."

(Duties of a Mediation Committee Member)

Article 29 Mediation committee members must mediate between the two relevant parties, check the points of each party's assertions, and strive to fairly settle the case.

(Discontinuance of Mediation)

Article 30 (1) With regard to a dispute that is under mediation, if the mediation committee members find that the dispute is unlikely to be settled through mediation, they may discontinue the mediation.

(2) When a resolution to a dispute under mediation has been reached as provided for in Article 27-3, paragraph (1), the mediation is deemed to have been discontinued.

### **Subsection 3 Conciliation**

(Appointment of Conciliation Committee Members)

Article 31 (1) To conduct conciliations, the central commission or the review board, etc. establishes a conciliation committee that consists of three conciliation committee members.

(2) The chairperson of the central commission or the chairperson of the review board, etc. appoints conciliation committee members set forth in the preceding paragraph from among the chairperson and members of the central commission or the members of the review board, etc., for each case.

(3) To conduct conciliations, the federal review board establishes a conciliation committee, appointing all the members of the federal review board as conciliation committee members.

(4) The provisions of Article 16, paragraph (6) and Article 17 apply mutatis mutandis to the conciliation committee members appointed from among those on the list of candidates. In this case, the term "the member with the consent of the prefectural assembly" in Article 16, paragraph (6) is deemed to be replaced with "the member."

(Demand for Attendance)

Article 32 When the conciliation committee finds it necessary to the conciliation, it may demand the attendance of the parties to hear opinions from them.

(Submission of Documents)

Article 33 (1) When conciliation is being conducted in relation to a dispute as provided in Article 24, paragraph (1), item (i), the conciliation committee may

demand that either or both of the parties submit documents or articles related to the case under the conciliation, if the committee find it necessary.

- (2) When conciliation is being conducted in relation to a dispute as provided in Article 24, paragraph (1), item (i), the conciliation committee may inspect documents or articles related to the case at the parties' factories, workplaces, and other places, if the committee finds it necessary for clarifying the cause of the dispute.
- (3) The conciliation committee may have expert advisors support the on-the-spot inspection provided for in the preceding paragraph.

#### (Pre-conciliation Measures)

Article 33-2 Before a conciliation, the conciliation committee may recommend the parties to take any measures necessary for conciliation, such as the restriction of acts that would make it impossible or considerably difficult to realize the matters that are contents of the conciliation.

#### (Recommendation to Accept a Conciliation Proposal)

Article 34 (1) When the conciliation committee finds it difficult for the two parties to reach an agreement, it may prepare a conciliation proposal, taking all the circumstances into consideration, and recommend the parties to accept the proposal during a designated period of not less than 30 days, if the Committee finds it appropriate.

- (2) The conciliation proposal mentioned in the preceding paragraph must be prepared by the majority opinion of the conciliation committee members.
- (3) With regard to a recommendation as provided in the provisions of paragraph (1), if either party fails to state its lack of acceptance to the conciliation committee within the designated period, an agreement whose contents are the same as those of the conciliation proposal is deemed to have been concluded between the parties.

#### (Publication of a Conciliation Proposal)

Article 34-2 If the conciliation committee makes a proposal as provided for in paragraph (1) of the preceding Article, notwithstanding the provisions of Article 37, it may publicize the conciliation proposal together with the reason therefor, when it finds this to be appropriate.

#### (Cases Wherein Conciliation Is Not Conducted)

Article 35 When the conciliation committee finds, in consideration of the nature of the dispute that it is inappropriate to apply conciliation to a dispute concerning which an application has been filed, or when the committee finds that either party has filed an application without good reason, the committee

may refrain from conducting a conciliation.

(Discontinuance of a Conciliation)

Article 36 (1) If the conciliation committee finds that it is unlikely for the parties to reach an agreement on a dispute under conciliation, the committee may discontinue the conciliation.

(2) With regard to a recommendation made as provided for in the provisions of Article 34, paragraph (1), if either party states that it will not accept the proposal within the designated period, the conciliation between the parties is deemed to have been discontinued.

(Renewal of Prescription)

Article 36-2 Where a conciliation has been discontinued pursuant to the provisions of paragraph (1) of the preceding Article or where a conciliation is deemed to have been discontinued pursuant to the provisions of paragraph (2) of the same Article, if, within 30 days of the date that the party who applied for conciliation received notification to that effect, the relevant party applies for an adjudication of liability as specified in Article 42-12, paragraph (1) or files an action in relation to the claim that was the subject matter of the conciliation, with regard to the renewal of prescription and observance of the statute of limitations for filing an action, the application for adjudication of liability or the filing of the action is deemed to have been filed at the time when the application for conciliation was filed.

(Nondisclosure of Procedures)

Article 37 The conciliation committee's procedures for conciliation may not be disclosed.

(Succession of a Case)

Article 38 (1) The review board, etc. or the federal review board may hand any of its conciliation cases over to the central commission with the consent of the parties to the conciliation and in consultation with the central commission, if there are reasonable grounds to do so.

(2) When the central commission takes over a case as provided in the provisions of the preceding paragraph, the central commission may conduct a conciliation, notwithstanding the provisions of Article 24, paragraph (1).

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to conciliation cases taken over by the central commission. In this case, the term "The review board, etc. or the federal review board" in paragraph (1) is deemed to be replaced with "The central commission," the term "the central commission" in paragraph (2) is deemed to be replaced with "the prefectural

review board, etc.," and the term "Article 24, paragraph (1)" in the preceding paragraph is deemed to be replaced with "Article 24, paragraph (2)."

#### **Subsection 4 Arbitration**

(Appointment of Arbitration Committee Members)

Article 39 (1) To conduct arbitrations, the central commission or the review board, etc. establishes an arbitration committee that consists of three arbitration committee members.

(2) The chairperson of the central commission or the chairperson of the review board, etc. appoints as the arbitration committee members set forth in the preceding paragraph those whom the two parties have selected by mutual consent either from among the chairperson and members of the central commission or from among the members of the review board, etc., for each case; provided, however, that if the parties fail to select such arbitration committee members by mutual consent, the chairperson of the central commission appoints arbitration committee members from among the chairperson and members of the central commission or the chairperson of the review board, etc. appoints arbitration committee members from among the members of the review board, etc. for each case.

(3) At least one of the arbitration committee members mentioned in paragraph (1) must be a person qualified as attorney at law pursuant to the provisions of Chapter II of the Attorneys Act (Act No. 205 of 1949).

(4) The provisions of Article 16, paragraph (6) and Article 17 apply mutatis mutandis to the arbitration committee members appointed from among those on the list of candidates. In this case, the term "the member with the consent of the prefectural assembly" in Article 16, paragraph (6) is deemed to be replaced with "the member."

(Submission of Documents)

Article 40 (1) When the arbitration committee conducts an arbitration, it may demand that either or both of the parties submit documents or items related to the case under the arbitration, if the committee finds this to be necessary.

(2) When the arbitration committee conducts an arbitration, it may inspect documents or items related to the case at the party's factories, workplaces, and other places, if the committee finds this to be necessary for clarifying the cause of the dispute.

(3) An arbitration committee established by the central commission may have expert advisors support the on-the-spot inspection provided for in the preceding paragraph.

(Mutatis Mutandis Application of the Arbitration Act)

Article 41 Where the arbitration committee conducts an arbitration, unless otherwise provided for in this Act, the arbitration committee members is deemed to be arbitrators and the Arbitration Act (Act No. 138 of 2003) applies mutatis mutandis.

(Mutatis Mutandis Application of Provisions)

Article 42 The provisions of Article 33-2 and Article 37 apply mutatis mutandis to any arbitration conducted by the arbitration committee.

### **Section 3 Adjudication**

#### **Subsection 1 General Rules**

(Appointment of Adjudication Committee Members)

Article 42-2 (1) To render adjudications, the central commission establishes an adjudication committee consisting of three or five adjudication committee members.

(2) The chairperson of the central commission appoints the adjudication committee members set forth in the preceding paragraph from among the chairperson and members of the central commission for each case.

(3) The provisions of Article 39, paragraph (3) apply mutatis mutandis to the adjudication committee set forth in paragraph (1).

(Disqualification of an Adjudication Committee Member)

Article 42-3 (1) If an adjudication committee member falls under any of the following items, the member is disqualified from performing the duties thereof:

(i) where the adjudication committee member or their spouse or ex-spouse is or was a party to the case (including the appointing party provided in Article 42-7, paragraph (2) and the represented persons provided in Article 42-9, paragraph (3); hereinafter the same applies in this paragraph and Article 42-18, paragraph (2), Article 42-19, Article 42-20, Article 53, and Article 55) or when such a person is or was the representative of a party to the case that is a corporation.

(ii) where the adjudication committee member is the relative by blood of a party to the case within the fourth degree of kinship, or where the adjudication committee member is or was the relative of a party to the case within the third degree of affinity or the cohabitating relative of a party to the case.

(iii) where the adjudication committee member is the guardian, supervisor of guardian, curator, supervisor of curator, assistant, or assistantship supervisor of a party to the case.

- (iv) where the adjudication committee member becomes a witness or an expert witness in the case.
  - (v) where the adjudication committee member is or was the agent of a party to the case.
- (2) If there exist any of the causes for disqualification prescribed in the preceding paragraph, either party may enter a motion to disqualify.

(Recusal of an Adjudication Committee Member)

- Article 42-4 (1) If there are circumstances that would impede an adjudication committee member with regard to the fairness of the adjudication, either party may evade them.
- (2) Neither party may evade any adjudication committee after having made a written or oral statement to the adjudication committee about the case; provided, however, that this does not apply if the party did not know that there was cause for recusal or if the cause for recusal arises thereafter.

(Decision on a Motion to Disqualify or a Motion to Evade)

- Article 42-5 (1) The central commission decides on whether to accept a motion to disqualify or a motion to recuse.
- (2) The adjudication committee member against whom a motion to disqualify or a motion to evade has been made may not participate in the decision specified in the preceding paragraph; provided, however, that the adjudication committee member may state their opinion.
- (3) The decision specified in paragraph (1) must be rendered in writing and must be accompanied by the grounds therefor.

(Discontinuation of Adjudication Proceedings)

- Article 42-6 If a motion to disqualify or a motion to recuse has been made, the adjudication committee must discontinue the adjudication proceedings until the decision on the motion has been rendered; provided, however, that this does not apply to any act that requires urgent adjudication.

(Selection of a Representative Party)

- Article 42-7 (1) If many persons share a common interest in a dispute on damage from environmental pollution, they may select one or more persons from among themselves to act on all of their behalves as a party to adjudication proceedings (hereinafter referred to as "representative party").
- (2) Persons who have selected a representative party as provided for in the preceding paragraph (hereinafter referred to as "appointing party") may cancel or change their selection.
- (3) The selection of a representative party specified in paragraph (1) and the

rescission or change of the selection specified in the preceding paragraph must be certified in writing.

- (4) If a representative party has been selected while adjudication proceedings are pending, any other appointing party withdraw from the adjudication proceedings as a matter of course.

(Order to Select a Representative Party)

Article 42-8 (1) If a considerably large number of persons have a common interest and it is found appropriate that they select a representative party, the adjudication committee may designate an appropriate period of time and order that the persons select a representative party.

- (2) The adjudication committee may cancel or change an order issued as provided for in the preceding paragraph.

(Adjudication Committee's Selection of a Representative Party)

Article 42-9 (1) If the persons who are issued an order under paragraph (1) of the preceding Article fail to select a representative party and the adjudication committee finds that the progress in the adjudication proceedings will be hampered if a representative party is not selected, the adjudication committee may select an appropriate person to be the representative party with the consent of that person. In this case, qualification as representative party may be limited to proceedings on specific issues.

- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the selection of a representative party under the preceding paragraph.
- (3) If a representative party has been selected as provided for in paragraph (1), the party is deemed to have been selected pursuant to the provisions of Article 42-7, paragraph (1) by the persons on whose behalfs the representative party has been selected (hereinafter referred to as "represented persons").
- (4) The provisions of Articles 644 to 647, Article 649, Article 650, and Article 654 of the Civil Code (Act No. 89 of 1896) apply mutatis mutandis to the relationship between the representative party and the represented persons when the representative party has been selected as provided for in paragraph (1).

(Consultation by the Adjudication Committee)

Article 42-10 (1) The adjudication committee's judgment on adjudication and other matters must be rendered through consultation.

- (2) In the consultation provided for in the preceding paragraph, decisions are made in accordance with the majority opinion of the adjudication committee members.

(Nondisclosure of Consultation)

Article 42-11 No consultation by the adjudication committee is disclosed.

### **Subsection 2 Adjudication of Liability**

(Applications)

Article 42-12 (1) Where a dispute has arisen in relation to compensation for loss and damage from environmental pollution, the person who claims the compensation may submit to the central commission a written application for adjudication concerning liability for compensation for loss and damage (hereinafter referred to as an "adjudication of liability") pursuant to the provisions of the Rules of the Environmental Dispute Coordination Commission.

(2) In consideration of the form and scale of damage being such that the degree is slight and the scope is limited, etc., in light of the actual status of the dispute, and with regard to any other circumstances, where the central commission finds that it is unreasonable to undertake an adjudication of liability, it may refuse to accept an application therefor.

(3) Where an application has been filed for an adjudication of liability that concerns a dispute connected to conciliation by the review board, etc., the central commission must hear opinions from the review board, etc. concerning the acceptance of the application.

(Dismissal of Unlawful Applications)

Article 42-13 (1) The adjudication committee must issue a decision to dismiss an unlawful application for adjudication of liability whose defects cannot be corrected. In this case, the adjudication committee may omit holding a hearing.

(2) The provisions of Article 42-19 apply mutatis mutandis to the decision provided for in the preceding paragraph.

(Hearings)

Article 42-14 (1) The adjudication committee must hold a hearing so that the parties can make statements.

(2) The relevant parties may attend the hearing.

(Opening of a Hearing to the Public)

Article 42-15 All hearings are open to the public; provided, however, that this does not apply when the adjudication committee finds that it is necessary to keep personal or trade secrets, that the fairness of proceedings is likely to be damaged, or that a closed hearing is necessary on behalf of the public interest.



(Examination of Evidence)

Article 42-16 (1) The adjudication committee may undertake examinations of the evidence as listed in the following items in response to a motion or by its authority:

- (i) issuing an order causing a party or a witness to appear and give a statement
  - (ii) issuing an order causing an expert witness to appear and give an expert opinion
  - (iii) issuing an order to the possessor of documents or items related to the case to submit the documents or articles, or taking custody of submitted documents or articles
  - (iv) entering places related to the case and inspecting documents or items
- (2) The parties may be present at the examination of evidence on dates other than the date of the hearing.
- (3) When the adjudication committee has examined evidence by its authority, the adjudication committee must hear opinions from the parties about the results thereof.
- (4) When the adjudication committee orders a witness to give a statement or orders an expert witness to give an expert opinion as provided for in paragraph (1), items (i) or (ii), the adjudication committee must cause said person to take an oath.
- (5) When the adjudication committee orders a party to give a statement as provided for in paragraph (1), item (i), the adjudication committee may cause the party to take an oath.
- (6) When the adjudication committee conducts an on-the-spot inspection as provided for in paragraph (1), item (iv), the committee may have an expert advisor assist.

(Preservation of Evidence)

Article 42-17 (1) If, before an application for an adjudication of liability has been filed, the central commission finds that it will prove difficult for a piece of evidence to be used if such evidence is not examined in advance, the commission may preserve the evidence in response to a petition by the person who is planning to apply for an adjudication of liability.

- (2) When a petition has been made as provided for in the preceding paragraph, the chairperson of the central commission appoints a person to participate in the preservation of evidence from among the chairperson and members of the central commission.

(Investigation of the Facts)

Article 42-18 (1) When the adjudication committee finds it to be necessary, it may investigate the facts by itself or order the secretariat staff of the central

commission to do so.

- (2) When the adjudication committee finds it necessary for the investigation of facts provided for in the preceding paragraph, it or the secretariat staff of the central commission ordered to do so thereby may enter the party's factories, workplaces, and other places related to the case to inspect documents and items related to the case.
- (3) When the adjudication committee uses the results of its examination of facts as material for an adjudication of liability, the committee must hear opinions from the parties about the results.
- (4) The adjudication committee may have expert advisors assist the on-the-spot inspections provided for in paragraph (2).

#### (Adjudications of Liability)

Article 42-19 (1) Adjudications of Liability must be rendered in writing, must include the matters listed in the following items, and must be signed and sealed by an adjudication committee member:

- (i) the main text of judgment
  - (ii) the grounds
  - (iii) the names of the parties and their attorneys and, in the case of a corporation, the name of its representative
  - (iv) the date of the adjudication
- (2) When the adjudication committee renders an adjudication of liability, the committee must serve the parties with the original written adjudication.

#### (Validity of Adjudications of Liability)

Article 42-20 (1) Where an adjudication of liability has been rendered, if no action is filed concerning compensation for loss or damage related to the adjudication of liability within 30 days of the service of the original written adjudication to the parties, or if an action concerning the relevant compensation for loss and damage is withdrawn, an agreement on compensation for loss or damage to the same effect as the adjudication of liability is deemed to have been concluded between the parties.

- (2) Withdrawal of an action as provided in the preceding paragraph is invalid without the consent of the defendant.

#### (Restrictions on Administrative Case Litigation)

Article 42-21 No litigation may be filed under the Administrative Case Litigation Act (Act No. 139 of 1962) in regard to an adjudication of liability and disposition related to its proceedings.

#### (Special Provisions on Collateral in a Provisional Seizure or Provisional

Disposition)

Article 42-22 In the case of an adjudication of liability that sustains an application in whole or in part, if the court orders a provisional seizure of the whole or a part of the claim related to the adjudication of liability or orders payment of the whole or a part of the claim in a provisional disposition, no collateral is to be offered; provided, however, collateral maybe offered if it is found necessary to do so.

Article 42-23 Deleted

(Conciliation by the Adjudication Committee's Authority)

Article 42-24 (1) When the adjudication committee finds it appropriate, it may, after submitting a case to conciliation by its authority, have the competent review board, etc. handle the conciliation with the consent of the parties, or handle the conciliation itself, notwithstanding the provisions of Article 24, paragraphs (1) and (2) and Article 31, paragraph (1).

(2) Where a case has been submitted to conciliation pursuant to the provisions of the preceding paragraph, when an agreement has been concluded between the parties, the application for an adjudication of liability is deemed to have been withdrawn.

(Renewal of Prescription)

Article 42-25 (1) With regard to the renewal of prescription and observance of the statute of limitation for filing an action, an application for an adjudication of liability is deemed to be a demand by litigation.

(2) Where an application for an adjudication of liability has been refused pursuant to the provisions of Article 42-12, paragraph (2), if, within 30 days of the date that the party who applied for the adjudication of liability received notification to that effect, the relevant party files an action in relation to the claim that was the subject of the application, with regard to the renewal of prescription and observance of the statute of limitation for filing an action, the action is deemed to have been filed at the time that the application for the adjudication of liability was filed.

(Relationship of Adjudications of Liability to Legal Actions)

Article 42-26 (1) If an action is pending in a case in regard to which an application for an adjudication of liability has been filed, the court in charge of the case may suspend litigation proceedings until an adjudication of liability is rendered.

(2) In the case referred to in the preceding paragraph, if the litigation proceedings are not suspended, the adjudication committee may suspend the

procedures for the adjudication of liability.

(Mutatis Mutandis Application of Provisions)

Article 42-26-2 The provisions of Article 33-2 apply mutatis mutandis to the adjudication committee's adjudication of liability.

### **Subsection 3 Adjudication of the Cause of Damage**

(Application)

Article 42-27 (1) With regard to damage caused by environmental pollution, if a dispute on compensation for loss or damage or any other civil dispute arises as to whether the damage was caused by an act by either party, the parties may file a written application for adjudication concerning the cause of the damage with the central commission (hereinafter referred to as "adjudication of the cause of damage"), pursuant to the provisions of the Rules of the Environmental Dispute Coordination Commission.

(2) The provisions of Article 42-12, paragraphs (2) and (3) apply mutatis mutandis to any application for adjudication of the cause of damage.

(Withholding the Identity of the Other Party)

Article 42-28 (1) In the case referred to in paragraph (1) of the preceding Article, if there is are unavoidable grounds for not identifying the other party, the person who claims damages may file an application for adjudication of the cause of damage, withholding the identity of the other party.

(2) If the adjudication committee considers it appropriate for the other party to be identified, it must order the person who applies for adjudication of the cause of damage to identify the other party, specifying a deadline therefor, pursuant to the provisions of the preceding paragraph.

(3) If the person who has been ordered as provided for in the preceding paragraph fails to identify the other party by the specified deadline, the application for adjudication of the cause of damage is deemed to have been withdrawn.

(Adjudication of the Cause of Damage by the Adjudication Committee's Authority)

Article 42-29 (1) If the adjudication committee considers it appropriate it may render an adjudication of the cause of damage by its authority during the procedures for adjudication of liability.

(2) The provisions of the following Article do not apply to an adjudication of the cause of damage as provided in the preceding paragraph.

(Matters for Adjudication)

Article 42-30 (1) If the adjudication committee considers there to be a particular necessity to clarify the cause of damage, it may, during the procedures for adjudication of the cause of damage, adjudicate matters other than those in regard to which the applicant for adjudication of the cause of damage seeks an adjudication.

- (2) In the case referred to in the preceding paragraph, if there is any third party who has an interest in the results of the adjudication, the adjudication committee may decide to have the third party participate in the procedures for adjudication of the cause of damage as the other party, in response to a petition by the third party, a petition by a relevant party, or by its authority.
- (3) When the adjudication committee decides as provided for in the preceding paragraph, the committee must hear opinions from the third party and the relevant parties beforehand.

(Notification and the Offering of Opinions)

Article 42-31 (1) When an adjudication of the cause of damage has been rendered, the central commission is to notify the head of the relevant administrative organ or local government of the content of the adjudication without delay.

- (2) When an adjudication of the cause of damage has been rendered, the central commission may state its opinion about necessary measures to the head of the relevant administrative organ or local government, to contribute to preventing the spread of environmental pollution, etc.

(Commissioning of an Adjudication of the Cause of Damage by the Court in Charge of the Case)

Article 42-32 (1) In civil proceedings related to damage from environmental pollution, if the court in charge of the case considers it to be necessary, it may commission an adjudication of the cause of damage by the central commission, after hearing the opinion of the central commission.

- (2) If an adjudication of the cause of damage is rendered based on the commission provided for in the preceding paragraph, when the court in charge of the case finds it to be necessary, it may order a person designated by the central commission to explain the adjudication of the cause of damage.
- (3) The costs necessary for the procedures for an adjudication of the cause of damage based on the commission provided in paragraph (1), which, from among what should be paid by the parties pursuant to the provisions of Article 44, paragraph (1), should be paid by the parties according to the exemplary provisions of the Act on the Costs of Civil Proceedings (Act No. 40 of 1971), are deemed to be court costs.
- (4) The provisions of Article 42-29, paragraph (2) apply mutatis mutandis to an

adjudication of the cause of damage rendered based on a commission as provided in paragraph (1).

(Mutatis Mutandis Application of Provisions)

Article 42-33 The provisions of Article 42-13 to Article 42-19, Article 42-21, Article 42-24, and Article 42-26 apply mutatis mutandis to an adjudication of the cause of damage.

#### **Section 4 Auxiliary Provisions**

(Request for the Submission of Materials to Review Board)

Article 43 When the review board, etc. finds it necessary for the mediation, conciliation, or arbitration of a dispute related to environmental pollution, or when the federal review board finds it necessary to the mediation or conciliation of a dispute related to environmental pollution, the review board, etc. and the federal review board may request the head of the relevant administrative organ or local government to give the necessary cooperation, such as the submission of materials on investigations into the cause of environmental pollution, disclosure of opinions, and the provision of technical knowledge.

(Recommendation on the Performance of Obligations)

Article 43-2 (1) At the request of the obligee, when the central commission or the review board, etc. finds it appropriate, it may recommend that the obligor a recommendation on the performance of an obligation specified in the conciliation, arbitration, or adjudication of liability conducted by the central commission, the review board, etc., or the related federal review board. In this case, if the recommendation concerns the conciliation conducted by the federal review board, the review board, etc. must consult with other related review boards, etc. beforehand.

(2) In the case referred to in the preceding paragraph, the central commission or the review board, etc. may request the parties to report on the status of the performance of the obligation, or may investigate the status.

(Costs Necessary for Dispute Settlement Procedures)

Article 44 (1) Unless otherwise provided by Cabinet Order, the costs necessary for the central commission's procedures for mediation, conciliation, arbitration, adjudication of liability, adjudication of the cause of damage, or preservation of evidence are paid by each party and the person who petitions for the preservation of evidence.

(2) Unless otherwise provided by Prefectural Ordinance, the costs necessary for

procedures for mediation, conciliation, or arbitration conducted by the review board etc. are paid by each party.

(3) Unless otherwise provided by rules established by the relevant prefectures through consultation, the costs necessary for the federal review board's procedures for mediation or conciliation are paid by each party.

(Fees)

Article 45 Any person who files an application for conciliation, arbitration, adjudication of liability, or adjudication of the cause of damage with the central commission or preservation of evidence or petitions to participate as provided for in Article 23-4, paragraph (1), must pay fees pursuant to the provisions of Cabinet Order. In this case, the fees become state revenue.

(Service)

Article 45-2 With regard to the service of documents, the provisions of Article 99, Article 103, Article 105, Article 106, Article 107, paragraphs (1) and (3), and Article 109 of the Code of Civil Procedure (Act No. 109 of 1996) apply mutatis mutandis. In this case, the terms "a court execution officer" in Article 99, paragraph (1) thereof, and "a court clerk" in Article 107, paragraph (1) thereof are deemed to be replaced with "a member of the Secretariat of the Environmental Dispute Coordination Commission," and the term "the court" in Article 109 thereof is deemed to be replaced with "the Environmental Dispute Coordination Commission."

(Reporting to the Prefectural Governor)

Article 46 At the end of a case in regard to which mediation, conciliation or arbitration has been conducted, the mediation committee members appointed from the list of candidates, the conciliation committee consisting of conciliation committee members appointed from the list of candidates, or the arbitration committee consisting of arbitration committee members appointed from the list of candidates must immediately give a report summarizing said case to the prefectural governor.

(Restrictions on Appeal)

Article 46-2 No appeal may be made under the Administrative Complaint Review Act (Act No. 160 of 1962) in regard to any disposition made pursuant to the provisions of this Chapter.

(Delegation to the Rules of the Environmental Dispute Coordination Commission)

Article 47 Beyond what is provide for in this Chapter, the central commission's

dispute settlement procedures and other necessary matters regarding the settlement of disputes are provided by the Rules of the Environmental Dispute Coordination Commission, and dispute settlement procedures conducted by the review board, etc. and other necessary matters are specified by Cabinet Order.

#### **Chapter IV Miscellaneous Provisions**

(Statement of Opinions)

Article 48 The central commission and the review board may state the opinions they have formed during the course of their affairs with regard to improvements to measures to prevent environmental pollution to the Minister of Internal Affairs and Communications and the head of the relevant administrative organ or to the prefectural governor, respectively.

(Complaint Processing)

Article 49 (1) Local governments are to endeavor to process environmental complaints appropriately in cooperation with the relevant administrative organs.

(2) Prefectures and municipalities (including special wards) may place pollution complaint counselors to carry out the following work related to environmental pollution complaints:

(i) responding to residents' requests for consultation

(ii) investigating and providing guidance and advice necessary for complaint processing

(iii) beyond what is set forth in the preceding two items, the work that is necessary for complaint processing, such as notifying the relevant administrative organs.

Article 49-2 The central commission and each prefectural governor may respectively request the mayors of municipalities (including the mayor of special wards) to report the status of complaint processing for complaints about environmental pollution.

(Defense Facilities)

Article 50 Matters to be provided for in Article 31, paragraph (1) of the Basic Environment Act concerning the defense facilities provided in Article 2, paragraph (2) of the Act on Improvement of Living Environment of Areas around Defense Facilities (Act No. 101 of 1974) are provided separately by law.

#### **Chapter V Penal Provisions**



Article 51 A person who violates the provisions of Article 17, paragraph (1) (including as applied mutatis mutandis pursuant to Article 23, Article 28, paragraph (4), Article 31, paragraph (4), and Article 39, paragraph (4)) is sentenced to imprisonment for up to one year or a fine of up to 30,000 yen.

Article 52 If any witness or expert witness who swears under oath pursuant to the provisions of Article 42-16, paragraph (4) (including as applied mutatis mutandis pursuant to Article 42-33) gives a false statement or a false expert opinion, the witness or expert witness is sentenced to imprisonment for up to six months or a fine of up to 30,000 yen.

Article 53 Any person who falls under any of the following items is subject to a civil fine of up to 30,000 yen.

- (i) a person who fails to appear or give a statement or expert opinion, in violation of the order provided for in Article 42-16, paragraph (1), item (i) or (ii) (including cases where it applies mutatis mutandis to Article 42-33) without legitimate grounds
- (ii) a person who fails to submit a document or article, in violation of the order provided in Article 42-16, paragraph (1), item (iii) (including as applied mutatis mutandis pursuant to Article 42-33), without justifiable grounds
- (iii) a party or a person who refuses, prevents, or avoids the on-the-spot inspection provided for in Article 42-16, paragraph (1), item (iv) (including as applied mutatis mutandis pursuant to Article 42-33) without legitimate grounds
- (iv) a person who refuses to swear under oath, in violation of the order set forth in Article 42-16, paragraph (4) or paragraph (5) (including as applied mutatis mutandis pursuant to Article 42-33) without legitimate grounds

Article 54 If a party who swears under oath pursuant to the provisions of Article 42-16, paragraph (5) (including as applied mutatis mutandis pursuant to Article 42-33) makes a false statement, the party is subject to a civil fine of up to 30,000 yen.

Article 55 If either party commits any of the violations listed in the following items, the party is subject to a civil fine of up to 10,000 yen:

- (i) failure to meet the demand for attendance pursuant to Article 32 without legitimate grounds
- (ii) failure to meet the demand for submission of a document or item pursuant to Article 33, paragraph (1) or Article 40, paragraph (1) without legitimate grounds
- (iii) refusing, preventing, or avoiding the on-the-spot inspection provided for in

Article 33, paragraph (2), Article 40, paragraph (2), or Article 42-18, paragraph (2) (including as applied mutatis mutandis pursuant to Article 42-33) without legitimate grounds

#### **Supplementary Provisions [Extract]**

(Effective Date)

- (1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the portion related to acquisition of consent from both Houses of the Diet under Article 6, paragraph (1) comes into effect as of the date of promulgation.

#### **Supplementary Provisions [Act No. 88 of May 31, 1971] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of July 1, 1971.

#### **Supplementary Provisions [Act No. 52 of June 3, 1972] [Extract]**

(Effective Date)

- Article 1 (1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding 30 days from the date of promulgation.
- (2) The portion concerning adjudication in Article 4, item (i) and the portion concerning adjudication in the provisions of the Act on the Settlement of Environmental Pollution Disputes amended by Article 11 of the Supplementary Provisions applies on the day specified by Cabinet Order within a period not exceeding three months from the date on which the Act comes into effect.

(Transitional Measures for Appeal against a Disposition by the Central Commission)

Article 12 Notwithstanding the provisions of Article 46-2 of the Act on the Settlement of Environmental Pollution Disputes after its amendment by this Act, the provisions then in force remain applicable to appeals under the Administrative Complaint Review Act (Act No. 160 of 1962) prior to amendment by this Act against dispositions by the central commission, the review boards, etc., or the federal review board (collectively referred to as the "central commission, etc." in the following Article and Article 14 of these Supplementary Provisions).

(Transitional Measures Concerning Agents)

Article 13 With regard to the application of the provisions of Article 23-2, paragraph (1) of the Act on the Settlement of Environmental Pollution Disputes after its amendment by this Act to a non-attorney appointed as an Agent in a conciliation or arbitration proceedings by the central commission, etc. that is pending at the time of the enforcement of this Act, the non-lawyer is regarded as having been approved by the conciliation committee or the arbitration committee pursuant to the provisions of the same paragraph.

(Transitional Measure Concerning the Renewal of Prescription)

Article 14 With regard to the application of the provisions of Article 36-2 of the Act on the Settlement of Environmental Pollution Disputes after its amendment by this Act to a claim that is the subject of a conciliation by the central commission, etc. and that is pending at the time of the enforcement of this Act, the application for the conciliation is deemed to have been made at the time of the enforcement of this Act.

(Transitional Measures Concerning Dispositions by the Land Coordination Commission or the Central Public Pollution Examination Commission)

Article 16 (1) Unless otherwise provided by Cabinet Order, any disposition rendered by the Land Coordination Commission or the Central Pollution Examination Commission pursuant to the Act prior to amendment by this Act and before its enforcement is deemed to have been made by the Environmental Dispute Coordination Commission pursuant to the applicable provisions of this Act or the Act amended by this Act.

(2) Unless otherwise provided by Cabinet Order, applications filed and other procedures undertaken with regard to the Land Coordination Commission or the Central Pollution Examination Commission pursuant to the provisions of the Act prior to amendment by and upon the enforcement of this Act are deemed to have been made to the Environmental Dispute Coordination Commission pursuant to the applicable provisions of this Act or the Act amended by this Act.

(Delegation to Cabinet Order)

Article 17 In addition to what is provided for in these Supplementary Provisions, the transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Transitional Measures Concerning Penal Provisions)

Article 18 With regard to the application of penal provisions to acts committed before the enforcement of this Act, the provisions then in force remain applicable. The same applies with regard to the application of penal provisions

to acts committed after the enforcement of this Act by persons who held the position of chairperson, member, or expert investigator of the Central Pollution Examination Commission.

**Supplementary Provisions [Act No. 84 of June 11, 1974] [Extract]**

(Effective Date)

- (1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding ... from the date of promulgation.

(Transitional Measures)

- (2) Applications for intermediation of a settlement and other acts with regard to the review board, prefectural governors, or the Federal Review Board (hereinafter referred to as "review board, etc.") that were undertaken before the enforcement of this Act pursuant to the provisions of the Act on the Settlement of Environmental Pollution Disputes prior to amendment by this Act (including orders under the Act; hereinafter referred to as "Former Act") are deemed to be applications for mediation and other acts undertaken with regard to the review board, etc. pursuant to the applicable provisions of the Act on the Settlement of Environmental Pollution Disputes after its amendment by this Act (including orders under the Act; hereinafter referred to as the "New Act").
- (3) Intermediation committee members appointed or federal review boards established for mediation of settlement pursuant to the provisions of the Former Act before the enforcement of this Act are deemed to have been appointed as mediation committee members or to have been established as federal review boards for mediation pursuant to the applicable provisions of the New Act.
- (4) Intermediations of settlements and other acts undertaken by the review board, etc. or intermediation committee members pursuant to the provisions of the Former Act before the enforcement of this Act are deemed to be mediations and other acts undertaken by the review board, etc. or mediation committee members pursuant to the applicable provisions of the New Act.

**Supplementary Provisions [Act No. 101 of June 27, 1974] [Extract]**

(Effective date)

- (1) This Act comes into effect as of the date of promulgation.

**Supplementary Provisions [Act No. 83 of August 24, 1982] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of October 1, 1982.

**Supplementary Provisions [Act No. 90 of July 12, 1985] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 91 of December 22, 1989] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 92 of November 19, 1993] [Extract]**

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

**Supplementary Provisions [Act No. 110 of June 26, 1996] [Extract]**

This Act comes into effect as of the effective date of the new Code of Civil Procedure.

**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 of the date specified in each of those items:

- (i) In Article 1, amendment provisions that add five Articles, a Section name, two Subsections, and Subsection names following Article 250 of the Local Autonomy Act (limited to the part related to Article 250-9, paragraph (1) thereof (limited to the part related to the acquisition of consent from both Houses of the Diet)); in Article 40, provisions for amendment to paragraphs (9) and (10) of the Supplement Provisions of the Natural Parks Act (limited to the part related to paragraph (10) of the Supplemental Provisions thereof); the provisions of Article 244 (excluding the part related to the provisions for the amendment of Article 14-3 of the Agricultural Improvement Promotion Act); the provisions of Article 472 (excluding the part related to the provisions for the amendment of Article 6, Article 8, and Article 17 of the Act on Special Measures for Municipal Mergers); 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 the promulgation of this Act

(Governmental Affairs)

Article 159 In addition to the provisions of the relevant Acts prior to amendment by this Act, the national, local, and other governments' affairs (referred to as "governmental affairs" in Article 161 of these Supplementary Provisions) that are managed or executed by local government agencies before the enforcement of this Act by a law or by a Cabinet Order based thereon are treated by local governments after the enforcement of this Act as their affairs that they are processing by a law or a Cabinet Order based thereon.

(Transitional Measures Concerning Dispositions and Applications)

Article 160 (1) With regard to the dispositions of permission and other acts (referred to as "acts of disposal, etc." in this Article) undertaken pursuant to the provisions of the relevant pre-amendment Act, before the enforcement of this Act (each provision for those listed in the items of Article 1 of Supplementary Provisions; the same applies in this Article and Article 163 of Supplementary Provisions), and with regard to applications for permission and other acts being undertaken pursuant to the provisions of the relevant pre-amendment Act at the time of the enforcement of this Act (referred to as "acts of application, etc." hereinafter in this Article), if the person who is to carry out the administrative affairs related to these acts will be different as of the effective date of this Act, except for the provisions from Article 2 to the preceding Article of the Supplementary Provisions and the provisions of the relevant post-amendment Act (including orders based on those Acts) on transitional measures, in regard to the application of the relevant post-amendment Act after the effective date of this Act, pre-amendment acts of disposal, etc. and acts of application, etc. are deemed to be acts of disposal, etc. and acts of application, etc. that were undertaken pursuant to the appropriate provisions of the relevant post-amendment Act.

(2) With regard to matters that require reporting, notification, submission, or any other procedure with a national or local government agency pursuant to the provisions of the relevant pre-amendment Act prior to the date on which the Act comes into effect, if such procedures has still not been carried out before the effective date of this Act, unless otherwise specified in this Act or in Cabinet Order based on this Act, each Act amended by this Act applies thereto, by deeming that report, notification, submission, or any other procedure to still not have been carried out with an appropriate national or local government

agency pursuant to appropriate provisions of the relevant post-amendment Act.

(Transitional Measures for Appeals)

Article 161 (1) With regard to an appeal under the Administrative Complaint Review Act against a disposition on governmental affairs that was rendered before the effective date by a government agency (referred to as the "administrative agency reaching the disposition" hereinafter in this Article) that had a government agency above it as provided in the Administrative Complaint Review Act (referred to as a "higher administrative authority" hereinafter in this Article) before the effective date, the provisions of the Administrative Appeals Act apply even after the effective date, by deeming the administrative agency reaching the disposition to continue to have a higher administrative authority. In this case, the administrative authority deemed to be the higher administrative authority is the administrative authority that was the higher administrative authority of the administrative agency reaching the disposition before the effective date.

(2) In the case referred to in the preceding paragraph, if the administrative authority deemed to be the higher administrative authority is the agency of a local government, the affairs that the agency should deal with pursuant to the Administrative Complaint Review Act are item (i) legally delegated affairs provided for in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 With regard to fees to be paid before the effective date, pursuant to the provisions of the relevant Acts (including orders based on the Act) before their amendment by this Act, unless otherwise provided in this Act and in any Cabinet Order based on this Act, the provisions then in force remain applicable.

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to Acts committed prior to the enforcement of this Act, the provisions then in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) In addition to the transitional measures provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including those concerning penal provisions) are specified by Cabinet Order.

(2) Matters necessary for the application of the provisions of Article 18, Article 51, and Article 184 of Supplementary Provisions are specified by Cabinet Order.

(Review)

Article 250 The establishment of item (i) legally delegated affairs as provided for in Article 2, paragraph (9), item (i) of the new Local Autonomy Act is to be restricted as much as possible, while those listed in Appended Table 1 of the new Local Autonomy Act and those specified in Cabinet Order under the new Local Autonomy Act are to be appropriately reviewed from the viewpoint of promoting decentralization.

Article 251 The government is to take the necessary measures based on the results of its review of ways to improve and ensure local tax resources according to role sharing between the national and local governments, taking into account changes in economic conditions, etc., so that local governments can independently execute their affairs and services.

Article 252 In accordance with reforms in the medical insurance system, the pension system, etc., the government is to, from the viewpoint of ensuring convenience for insured persons and making the administration of affairs efficient, etc. examine the system for handling the administration of social insurance and the way that officials engaged therein should be, and is to, when it finds it to be necessary, put in place the necessary measures based on the results thereof..

### **Supplementary Provisions [Act No. 151 of December 8, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000.

(Transitional Measures)

Article 3 With regard to the application of the provisions amended by this Act concerning person with limited legal capacity and their curators to which the provisions then in force remain applicable under Article 3, paragraph (3) of Supplementary Provisions of the Act on the Partial Amendment of the Civil Code (Act No. 149 of 1999), the provisions then in force remain applicable, except for the following amended provisions:

(i) the provisions of Article 138 of the Non-Contentious Case Procedures Act amended by the provisions of Article 4

(ii) the amended provisions of Articles 14 and 16 of the Notary Act in Article 7

(iii) the provisions of Article 14-6 of the Teito Rapid Transit Authority Act amended by the provisions of Article 14

(iv) the provisions of Article 31 of the Act on Prohibition of Private

Monopolization and Maintenance of Fair Trade amended by the provisions of



Article 17

- (v) the amended provisions of Article 5, paragraph (3) of the National Public Service Act in Article 20
- (vi) the provisions amended by the provisions of Article 28: Article 23-13 of the Horse Racing Act; Article 13 of the Japan Racing Association Act; Article 5, paragraph (4) of the Act for Establishment of the Japan Atomic Energy Commission and the Nuclear Safety Commission; Article 7, paragraph (4) of the Act for the Establishment of the Council for Science and Technology; Article 7, paragraph (4) of the Act for the Establishment of the Space Activities Commission; Article 78, paragraph (4) of the City Planning Act; Article 11 of the Act on the Northern Territories Issue Association; Article 15, paragraph (4) of the Public Notice of Land Prices Act; Article 6, paragraph (4) of the Act for Establishment of the Aircraft Accidents Investigation Commission; and Article 39, paragraph (5) of the National Land Use Planning Act
- (vii) the amended provisions of Article 25-4 of the Construction Business Act in Article 31
- (viii) the provisions of Article 7, paragraph (1) of the Civil Rights Commissioners Act amended by the provisions of Article 32
- (ix) the provisions of Article 8, paragraph (1) of the Offenders Rehabilitation Act amended by the provisions of Article 33
- (x) the amended provisions of Article 19-4, paragraph (1) and Article 19-7, paragraph (1) of the Labor Union Act in Article 35
- (xi) the amended provisions of Article 5-2, paragraph (4) of the Public Offices Election Act in Article 44
- (xii) the amended provisions of Article 80-2 of the Building Standards Act in Article 50
- (xiii) the amended provisions of Article 426 of the Local Tax Act in Article 54
- (xiv) the amended provisions of Article 141, paragraph (1) of the Commodity Exchange Act in Article 55
- (xv) the amended provisions of Article 9, paragraphs (3) and (8) of the Local Public Service Act in Article 56
- (xvi) the amended provisions of Article 54 of the Expropriation of Land Act in Article 67
- (xvii) the provisions amended by the provisions of Article 70: Article 11, paragraph (1) of the Act on UNESCO-Related Activities; Article 7 of the Act for the Establishment of the Public Security Examination Commission; and Article 24 of the Act on Social Insurance Examiners and the Social Insurance Examination Committee
- (xviii) the provisions of Article 7, paragraph (4) and Article 39, paragraph (2) of the Police Act amended by the provisions of Article 78

- (xix) the provisions amended by the provisions of Article 80: Article 30 of the Act on Labor Insurance Examiners and the Labor Insurance Appeal Committee; Article 9 of the Act for the Establishment of the Environmental Dispute Coordination Commission; and Article 116 of the Act on Compensation for Pollution-related Health Damage
- (xx) the provisions of Article 4, paragraph (2) of the Act on the Organization and Operation of Local Educational Administration amended by the provisions of Article 81
- (xxi) the provisions of Article 75, paragraph (1) of the Act on Mutual Aid Associations for the Agriculture, Forestry, and Fishing Industries amended by the provisions of Article 84
- (xxii) the amended provisions of Article 16, paragraph (2) of the Act on the Settlement of Environmental Pollution Disputes in Article 97
- (xxiii) the provisions of Article 15, paragraph (6) of the Act on the Transfer of the Diet and Other Central Government Offices and Article 13, paragraph (4) of the Act on the Promotion of Decentralization amended by the provisions of Article 104
- (xxiv) the provisions of Article 25, paragraph (1) of the Bank of Japan Act amended by the provisions of Article 108
- (xxv) the provisions of Article 9, item (i) of the Act for Establishment of the Financial Reconstruction Commission amended by the provisions of Article 110

Article 4 With regard to the application of penal provisions to Acts committed prior to the enforcement of this Act, the provisions then in force remain applicable.

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

(Effective Date)

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

**Supplementary Provisions [Act No. 41 of June 8, 2001] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2002.

**Supplementary Provisions [Act No. 138 of August 1, 2003] [Extract]**

(Effective Date)

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