

# Plant Protection Act

(Act No. 151 of May 4, 1950)

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## Chapter I General Provisions

(Purpose of this Act)

Article 1 The purpose of this Act is to quarantine plants imported to and exported from Japan and plants in Japan, to eliminate plants and animals harmful to plants, and to prevent the spread of those and thereby ensure the safety of and growth in agricultural production.

(Definitions)

Article 2 (1) "Plants" as used in this Act means plants that belong to flowering plants, pteridophytes or bryophytes (including their parts, seeds, fruits and straw mats or straw bales or other processed products equivalent to those), excluding harmful plants specified in the following paragraph.

(2) "Harmful plants" as used in this Act means fungi, slime molds, bacteria, parasitic plants and viruses that harm useful plants directly or indirectly.

(3) "Harmful animals" as used in this Act means insects, arthropods such as mites, invertebrates such as nematodes, or vertebrates that harm useful plants.

(4) "Pest forecasting services" as used in this Act means services that in order to control harmful plants or harmful animals in a timely and economical manner, by conducting research on the reproduction of harmful plants or harmful animals, the weather, and crop growth so as to make an estimation on damage to crops caused by harmful plants or harmful animals and to provide the information based on the research to relevant persons.

(Plant Protection Officer and Plant Protection Staff)

- Article 3 (1) The Ministry of Agriculture, Forestry and Fisheries assigns plant protection officers in order to have the officers to engage in plant quarantine or pest control prescribed in this Act,
- (2) The Ministry of Agriculture, Forestry and Fisheries may assign plant protection staff to have the staff assist the duties of the plant protection officer to carry out quarantine or pest control.
- (3) The plant protection staff is a part-time employee.

(Authorities of Plant Protection Officer)

- Article 4 (1) If the plant protection officer finds that there are plants, containers or packages which may not be free from harmful plants or harmful animals, the officer may enter the sites, storage places, warehouses, offices, vessels, vehicles or aircraft, and inspect the relevant plants, containers, packages, etc., or question the persons concerned, or collect the relevant plants, containers or packages without charge, for the minimum quantity required for an inspection.
- (2) When the plant protection officer finds that there are harmful plants or harmful animals as a result of the inspection under the provisions of the preceding paragraph, and if it is necessary to eliminate or prevent the spread of those, the officer may order persons who own or administrate the relevant plants, containers, packages, sites, storage places, warehouses, places of business, vessels, vehicles or aircraft to disinfect the relevant plants, containers, packages, sites, storage places, warehouses, places of business, vessels, vehicles or aircraft.
- (3) In the case referred to in the preceding paragraph, the provisions of paragraph 1 of Article 20 apply *mutatis mutandis*.
- (4) The authority to conduct on-site inspections, questions and collections under the provisions of paragraph 1 must not be construed as being granted for a criminal investigation.

(Identification Card to be Carried and the Uniform)

- Article 5 (1) When a plant protection officer or a plant protection staff conduct their duties pursuant to the provisions of this Act, they must carry an identification card to show their status, and must present it when they exercises authority pursuant to the provisions of paragraph 1 of the preceding Article, or when they are requested to do so by the relevant person.
- (2) The uniform of the plant protection officers is determined by the Minister of Agriculture, Forestry and Fisheries.

## **Chapter II Foreign Plant Quarantine**

(Harmful Plants and Animals Subject to Quarantine)

Article 5-2 (1) "Harmful plants and animals subject to quarantine" as used in this Chapter means harmful plants or harmful animals that could do harm to useful plants if those plants or animals spread, and are prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries as those that fall under any of the following items:

- (i) harmful species whose presences are not confirmed in Japan.
  - (ii) harmful species that are already present in some parts of Japan and for which forecasting services are provided and other necessary measures for pest control are being taken by the national government;
- (2) If the Minister of Agriculture, Forestry and Fisheries intends to establish Order of the Ministry of Agriculture, Forestry and Fisheries under the provisions of the preceding paragraph, the minister must hold a public hearing in advance and hear the opinion of interested persons and persons with relevant expertise.

(Restrictions on Imports)

Article 6 (1) Imported plants (excluding plants that are not used for cultivation and provided for in Order of the Ministry of Agriculture, Forestry and Fisheries as those for which there is little possibility that quarantine pests are stuck to: hereinafter the same applies in this paragraph and the following paragraph) and their containers or packages must not be imported, except for those to which a phytosanitary certificate, or its copy, issued by the governmental organization of the exporting country is attached, which states that it is confirmed or believed that export plant items are free from harmful plants or animals subject to quarantine as a result of the inspection by the relevant organization; provided, however, that this does not apply to the following plants and their containers or packages:

- (i) due to the reason that plants and their containers or packages are imported from countries having no governmental organizations for plant quarantine, very careful inspection thereof is carried out pursuant to the provisions of this Chapter;
  - (ii) plants and their containers or packages that are imported from countries prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, of which information to be provided in the phytosanitary certificate or its copy are transmitted from the governmental organization of the relevant countries to an electronic computer (including input/output devices) used by the plant protection station via a telecommunications line and are recorded in a file stored in the electronic computer.
- (2) Plants shipped from areas prescribed by Order of the Ministry of Agriculture,

Forestry and Fisheries, and prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries as those that need to be inspected at the growing place in order to conduct an inspection under the provisions of paragraph 1 of Article 8 in a proper manner, are governed by the provisions of the preceding paragraph, and must not be imported except for those to which a phytosanitary certificate or its copy issued by a governmental organization of the exporting country is attached, stating that it is confirmed or believed that the plants are free from harmful plants or animals subject to quarantine specified by Order of the Ministry of Agriculture, Forestry and Fisheries as a result of the inspection carried out by the governmental organization at the growing place. In this case, the provisions of the proviso to that paragraph (excluding item (i)) apply *mutatis mutandis*.

- (3) Plants and prohibited import items specified in paragraph 1 of the following Article must not be imported at any place other than the ports and airports specified by Order of the Ministry of Agriculture, Forestry and Fisheries, except for those imported as postal items.
- (4) Plants and prohibited import items prescribed in paragraph 1 of the following Article must not be imported as postal items other than small packets and parcel post or correspondence mail prescribed in paragraph 3 of Article 2 of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) (referred to as the "mail for correspondence" in the following paragraph).
- (5) Any person who received plants or prohibited import items specified in paragraph 1 of the following Article as and postal item other than a small packet and parcel post or mail for correspondence must submit a report to the plant protection station without delay accompanied by the actual item.
- (6) If the Order of the Ministry of Agriculture, Forestry and Fisheries under the main clause of paragraph 1 or paragraph 2 is to be established, the provisions of paragraph 2 of the preceding Article apply *mutatis mutandis*.

(Prohibition on Import)

Article 7 (1) Any person must not import items specified in the following items (hereinafter referred to as the "prohibited import items"); provided, however, that this does not apply if the permission of the Minister of Agriculture, Forestry and Fisheries is obtained to use those for experimentation and research and for special purposes specified by Order of the Ministry of Agriculture, Forestry and Fisheries:

- (i) plants that are shipped from the areas specified by Order of the Ministry of Agriculture, Forestry and Fisheries or those sent via the relevant areas and are specified by Order of the Ministry of Agriculture, Forestry and Fisheries;
- (ii) harmful plants and animals subject to quarantine;
- (iii) soil or plants which are not free from soil;

- (iv) containers or packages of items specified in the preceding items.
- (2) If permission under the proviso to the preceding paragraph is granted, items must be imported accompanied by a document certifying that permission referred to in that paragraph has been granted.
- (3) The method of importation, method of administration after the importation and other necessary requirements may be set up for the permission under the proviso to paragraph 1.
- (4) If Order of the Ministry of Agriculture, Forestry and Fisheries under the provisions of item (i) of paragraph 1 is to be established, the provisions of paragraph 2 of Article 5-2 apply mutatis mutandis.

(Inspection of Imported Plants)

- Article 8 (1) Any person who imports plants or the prohibited import items must notify the plant protection station of the relevant facts without delay and must undergo an inspection by the plant protection officer on whether or not the plants or the prohibited import items and their containers or packages as they are, violate the provisions of paragraphs 1 and 2 of Article 6, whether or not those are the prohibited import items and whether or not those are free from harmful plants or animals subject to quarantine (excluding those designated by the Minister of Agriculture, Forestry and Fisheries; the same applies in this Article and the following Article); provided, however, that this does not apply if those undergo an inspection under the provisions of paragraph 3 or are imported as postal items.
- (2) The inspection under the provisions of preceding paragraph is carried out at the place in the port or airport under the provisions of paragraph 3 of Article 6 designated by the plant protection officer.
  - (3) If the plant protection officer finds it necessary to do so, the officer may inspect imported plants and containers or packages in a vessel or aircraft prior to the importation.
  - (4) If Japan Post Holdings Co., Ltd. receives small packets or parcel post that contain or are suspected to contain plants or prohibited import items at its offices where customs clearance are handled, it must notify the plant protection station of the relevant facts without delay.
  - (5) When a notice under the provisions of preceding paragraph is given, the plant protection officer inspects the small packets or parcel post referred to in that paragraph. In this case, if it is necessary for the inspection, the postal items may be opened when the employees of Japan Post Holdings Co., Ltd are in attendance.
  - (6) Any person who received small packets or parcel post containing plants that have not undergone an inspection referred to in the preceding paragraph must notify the plant protection station of the relevant facts accompanied by the

postal items without delay and undergo an inspection by the plant protection officer.

- (7) With regard to seeds and seedlings specified by Order of the Ministry of Agriculture, Forestry and Fisheries, if it is still necessary for the plant protection officer to determine whether or not there are harmful plants or animals subject to quarantine, based on the inspection results under the provisions of paragraphs 1, 3 and 5 or the preceding paragraph, the officer may order the owner of the plants to grow those in isolation and may inspect those at the growing place or the officer may voluntarily grow those in isolation pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries.

(Disposition such as Disposal or Disinfection)

Article 9 (1) If quarantine pests are found as a result of the inspection under the provisions of the preceding Article, the plant protection officer must disinfect or dispose of the relevant plants and containers or packages, or must order the person who owns or administrates those to disinfect or dispose of those when the plant protection officer is in attendance.

- (2) The plant protection officer may dispose of plants and containers or packages that have been imported in violation of the provisions of paragraph 1 through paragraph 5 of Article 6, or paragraph 1 or 6 of Article 8, or may order the person who possesses those to dispose of those when the plant protection officer is in attendance. In the case of a violation against an order to grow plants in isolation under the provisions of paragraph 7 of Article 8, the same applies to plants pertaining to the violation.

- (3) If the prohibited import items are imported in violation of the provisions of Article 7, the plant protection officer disposes of these items.

- (4) If the plant protection officer finds, as a result of the inspection under the preceding Article, that the plants and containers or packages do not violate the provisions of paragraphs 1 and 2 of Article 6, do not fall under the prohibited import items or free from harmful plants or animals subject to quarantine, the officer must certify that those have passed the inspection.

(Inspection of Exported Plants)

Article 10 (1) Any person who intends to export plants and their containers or packages for which an importing country requires an inspection certificate issued by an exporting country when those are imported, must undergo an inspection by the plant protection officer to prove that the plants and their containers or packages meet the requirements of the relevant importing country and must not export those unless those pass this inspection.

- (2) The inspection referred to in the preceding paragraph is carried out at the

plant protection station; provided, however, that if the plant protection officer finds it necessary, the inspection may be carried out at the place where the relevant plants are located.

- (3) Plants for which the importing country requires an inspection at the growing place when they are imported and other plants specified by Order of the Ministry of Agriculture, Forestry and Fisheries may not undergo an inspection referred to in the provisions of paragraph 1 unless those have undergone inspection by the plant protection officer at the growing place in advance and passed the inspection.
- (4) If the plant protection officer finds it necessary to comply with the request of the importing country, the officer may conduct a more detailed inspection of the plants that have undergone an inspection referred to in paragraph 1.

(Provisions Governed by the Provisions of Other Acts)

Article 11 (1) In addition to what is provided for in this Chapter, the procedures and method of inspection, and the standards for dispositions that are imposed according to the result of the inspection, are prescribed and announced to the public by the Minister of Agriculture, Forestry and Fisheries.

- (2) In the case referred to in the preceding paragraph, the provisions of paragraph 2 of Article 5-2 apply mutatis mutandis.

### **Chapter III Domestic Plant Quarantine**

(Domestic Plant Quarantine)

Article 12 In order to prevent the spread of harmful plants or harmful animals that are newly introduced in Japan or are already present in some parts of Japan, the Minister of Agriculture, Forestry and Fisheries is to carry out plant quarantine pursuant to the provisions of this Chapter.

(Inspection of Seeds and Seedlings)

Article 13 (1) Persons who produce plants for reproduction that are designated by the Minister of Agriculture, Forestry and Fisheries (hereinafter referred to as "designated seeds and seedlings") (hereinafter referred to as "seed and seedling producer"), must undergo an inspection of the designated seeds and seedlings produced by those persons by a plant protection officer annually at the growing place while those plants are growing.

- (2) If the plant protection officer finds that the objective of eliminating harmful plants or harmful animals or preventing the spread of those plants or animals cannot be achieved solely by conducting an inspection referred to in the preceding paragraph, the officer may also carry out an inspection of the designated seeds or seedlings prior to cultivation or after harvesting.

- (3) If the plant protection officer finds, based on the result of the inspection under the provisions of paragraph 1 or the preceding paragraph, that the designated seeds and seedlings are free from harmful plants or harmful animals designated by the Minister of Agriculture, Forestry and Fisheries, the officer must issue an inspection certificate to the relevant seed and seedling producer.
- (4) Designated seeds and seedlings must not be transferred, or the transfer thereof must not be entrusted to someone nor must not be transferred to the district outside the prefecture in which the relevant growing place is located and the inspection thereof has been conducted, unless an inspection certificate referred to in the preceding paragraph, or its certified copy or abridged copy issued by the plant protection officer is attached to the designated seeds or seedlings.
- (5) If the plant protection officer finds that as a result of the inspection under the provisions of paragraph 1 or 2, there are harmful plants or harmful animals referred to in paragraph 3, the officer must suspend the inspection and give instructions to the relevant seed and seedling producer to eliminate the harmful plants or harmful animals or give instructions on the matters that the inspector finds it necessary in order to prevent the spread of those orally or in writing.
- (6) If the seed and seedling producer who has received the instruction referred to in the preceding paragraph has taken necessary measures to eliminate or prevent the harmful plants or animals in accordance with the instruction, the producer may request the plant protection officer to continue the inspection of the designated seeds or seedlings under the provisions of paragraph 1 or 2.
- (7) If the minister designates plans for reproduction referred to in paragraph 1, the provisions of paragraph 2 of Article 5-2 apply mutatis mutandis.

(Disposal of Plants)

Article 14 The plant protection officer may order persons who possess designated seeds and seedlings that are transferred, the transfer thereof is entrusted to someone, or that are brought from the growing place in violation of the provisions of paragraph 4 of the preceding Article to dispose of those, or may voluntarily dispose of those.

(Collection of Fee and the Provisions Governed by the Provisions of Other Acts)

Article 15 (1) The Minister of Agriculture, Forestry and Fisheries may collect a fee not exceeding the actual cost of the inspection, and the amount of which is specified by Order of the Ministry of Agriculture, Forestry and Fisheries, from persons who undergo an inspection pursuant to the provisions of paragraph 1 of Article 13.

(2) The provisions of Article 11 apply mutatis mutandis to the inspection under the provisions of paragraph 1 or 2 of Article 13.

(Exclusion from Application)

Article 16 The provisions of Article 12 through the preceding Article do not apply to designated seeds and seedlings specified below:

- (i) designated seeds and seedlings that are produced in the areas designated by the Minister of Agriculture, Forestry and Fisheries;
- (ii) designated seeds and seedlings that are produced by the prefectural government or the National Center for Seeds and Seedlings, and are inspected by these bodies in accordance with the standards established by the Minister of Agriculture, Forestry and Fisheries;
- (iii) designated seeds and seedlings that are produced by the seed and seedling producer within the district of the same prefecture for their own reproduction.

(Restrictions on Transfer of Plants)

Article 16-2 (1) Plants that grow within the area specified by Order of the Ministry of Agriculture, Forestry and Fisheries and are specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those for which it is necessary to restrict the transfer thereof to other areas in order to prevent the spread of harmful plants or harmful animals and their containers or packages, must not be transferred to other areas, except for cases specified by Order of the Ministry of Agriculture, Forestry and Fisheries, unless the plant protection officer certifies, based on the result of the inspection carried out by the officer, that the plants are free from harmful plants or harmful animals, or a label indicating that the plants are disinfected in accordance with the standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries is attached to those, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) If Order of the Ministry of Agriculture, Forestry and Fisheries referred to in the preceding paragraph is to be established, the provisions of paragraph 2 of Article 5-2 apply mutatis mutandis.

(Prohibition on Transfer of Plants)

Article 16-3 (1) Plants, harmful plants that grow or harmful animals or soil that are present within the area specified by Order of the Ministry of Agriculture, Forestry and Fisheries and are specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those for which it is necessary to prohibit the transfer thereof to other areas in order to prevent the spread of harmful plants or harmful animals and their containers or packages, must not

be transferred to other areas; provided, however, that this does not apply if the permission of the Minister of Agriculture, Forestry and Fisheries is obtained to use those for experimentation and research.

- (2) If Order of the Ministry of Agriculture, Forestry and Fisheries under the preceding paragraph is to be established, the provisions of paragraph 2 of Article 5-2 apply mutatis mutandis, and in the case of the proviso to the preceding paragraph, the provisions of paragraphs 2 and 3 of Article 7 apply mutatis mutandis.

(Prohibition on Loading Plants on Vessels and Vehicles)

Article 16-4 If the plant protection officer finds it necessary to prevent the transfer of plants, harmful plants or harmful animals or soil and containers or packages of plants in violation of the provisions of paragraph 1 of Article 16-2 or paragraph 1 of the preceding Article, the officer may order persons who own or administrate those items not to load nor bring those on vessels, vehicles or aircraft, or to unload these items which were loaded or brought on vessels, vehicles or aircraft.

(Disposal of Plants)

Article 16-5 The plant protection officer may order persons who possess plants, harmful plants or harmful animals or soil and the containers or packages of plants that have been transferred in violation of the provisions of paragraph 1 of Article 16-2 or paragraph 1 of Article 16-3 to dispose of those, or may voluntarily dispose of those.

## **Chapter IV Emergency Pest Control**

(Pest Control)

- Article 17 (1) When harmful plants or harmful animals that are newly introduced in Japan or that are already present in some parts of Japan could spread and cause serious damage to useful plants, or when the export of useful plants could be hampered by harmful plants or harmful animals, and if the Minister of Agriculture, Forestry and Fisheries finds it necessary to eliminate or prevent the spread thereof, the minister is to control those pursuant to the provisions of this Chapter; provided, however, that this does not apply if the control for forest pests, etc. is carried out pursuant to the provisions specified separately by law.
- (2) If the Minister of Agriculture, Forestry and Fisheries carries out pest control under the provisions of the preceding paragraph, the minister must issue a public notice on the following particulars no later than thirty days prior to the implementation:

- (i) district and period subject to pest control;
- (ii) kinds of harmful plants or harmful animals;
- (iii) details of pest control;
- (iv) other necessary information.

(Details of Pest Control)

Article 18 (1) The Minister of Agriculture, Forestry and Fisheries may issue an order specified in the following items to the extent necessary to carry out the pest control referred to in paragraph 1 of the preceding Article:

- (i) to restrict or prohibit persons who grow plants which are not or may not be free from harmful plants or harmful animals, from growing the relevant plants;
  - (ii) to restrict or prohibit the transfer or relocation of plants, containers or packages which are not or may not be free from harmful plants or harmful animals;
  - (iii) to order persons who own or administrate plants, or containers and packages which are not or may not be free from harmful plants or harmful animals, to take measures to disinfect, eliminate, or dispose of those items;
  - (iv) to order persons who own or administrate machinery such as agricultural machinery, conveyers or facilities such as warehouses which are not or may not be free from harmful plants or harmful animals, to take measures to disinfect the relevant machinery or facilities.
- (2) In the case referred to in paragraph 1 of the preceding Article, and if the number of days under the provisions of paragraph 2 of that Article is insufficient due to the urgent need to carry out the pest control, the Minister of Agriculture, Forestry and Fisheries may, to the extent necessary, issue an order referred to in item (iii) of the preceding paragraph or may have the plant protection officer take measures to disinfect, eliminate, or dispose of plants, containers or packages which are not or may not be free from harmful plants or harmful animals.

(Instruction to Ask for Cooperation)

Article 19 (1) If it is necessary to carry out the pest control under the provisions of paragraph 1 of Article 17, the Minister of Agriculture, Forestry and Fisheries may give instructions to local governments, bodies organized by agricultural workers or pest control operators to cooperate on the pest control operations.

- (2) In the case referred to in the preceding paragraph, a written instruction to ask for cooperation must be issued.
- (3) If the pest control is carried out in accordance with the instruction under the provisions of paragraph 1, the national government must compensate the cost.

(Compensation for Loss)

- Article 20 (1) The national government must compensate persons for the loss ordinarily incurred from the disposition referred to in Article 18.
- (2) Persons who intend to receive the compensation pursuant to the provisions of the preceding paragraph must submit a written request, in which the estimated amount of compensation is indicated, to the Minister of Agriculture, Forestry and Fisheries.
- (3) If a request referred to in the preceding paragraph is filed, the Minister of Agriculture, Forestry and Fisheries must decide the amount that the minister should compensate and notify the requestor of the amount without delay.
- (4) When the Minister of Agriculture, Forestry and Fisheries makes a decision on the amount of compensation pursuant to the provisions of the preceding paragraph, the minister must select three appraisers including at least one agricultural worker who come from the district and hear the opinion of the appraisers.
- (5) The disposition that comes with the compensation under the provisions of paragraph 1 must be imposed so that the total amount of compensation required for the disposition may not exceed the amount of budget that has been passed by the Diet.
- (6) Any person who is dissatisfied with the decision on the compensation amount under the provisions of paragraph 3 may request an increase in the amount by filing an action within six months from the day on which the person received the notice of decision.
- (7) In the case of action referred to in the preceding paragraph, the national government is the defendant.

(Obligation to Report)

Article 21 If the prefectural governor finds that harmful plants or harmful animals that are newly introduced in Japan or that are already present in some parts of Japan could spread and cause serious damage to useful plants, the governor must report the relevant facts to the Minister of Agriculture, Forestry and Fisheries.

**Chapter V Pest Control for Plants and Animals Designated as Harmful Species**

(Plants and Animals Designated as Harmful Species)

Article 22 "Plants and animals designated as harmful species" as used in this Chapter and the following Chapter mean harmful plants or harmful animals that are designated by the Minister of Agriculture, Forestry and Fisheries as

those for which special measures are required for the pest control since the distribution thereof in Japan is not isolated, and may spread quickly and tend to cause serious damage to crops.

(Pest Forecasting Project Carried Out by the National Government)

Article 23 (1) The Minister of Agriculture, Forestry and Fisheries is to carry out pest forecasting project for the plants and animals designated as harmful species.

(2) The prefectural governments must cooperate on pest forecasting project referred to in the preceding paragraph in accordance with the plan established by the Minister of Agriculture, Forestry and Fisheries with the consent of the prefectural governments.

(Pest Control Plan)

Article 24 (1) If the Minister of Agriculture, Forestry and Fisheries finds it necessary based on the materials that were made available due to the implementation of the pest forecasting project under the provisions of paragraph 1 of the preceding Article or taking into account the other situations, the minister must establish an outline of a plan that forms the basis for the pest control for plants and animals designated as harmful species to be carried out by local governments, agricultural workers or bodies organized by them (hereinafter referred to as the "pest control plan"), and must give instructions on the plan to the relevant prefectural governors.

(2) When the prefectural governor receives the instruction referred to in the preceding paragraph, the governor must promptly establish the pest control plan for the relevant prefecture based on the outline referred to in that paragraph.

(3) The district and period subject to pest control, kinds of plants and animals designated as harmful species, details of the pest control and other necessary information must be specified in the pest control plan referred to in the preceding paragraph.

(4) If the prefectural governor establishes or makes changes to the pest control plan under the provisions of paragraph 2, the governor must promptly consult with the Minister of Agriculture, Forestry and Fisheries and obtain consent from the minister; provided, however, that if there is an urgent need to implement the pest control according to the pest control plan, the governor only needs to report the relevant plan or changes to the minister.

(5) If the prefectural governor obtained consent under the provisions of preceding paragraph or made the report under the proviso to that paragraph, the governor must issue a public notice on the pest control plan pertaining to the consent or report without delay.

(Subsidies for Chemicals and Equipment for Pest Control)

- Article 25 (1) The national government may provide subsidies within the budget, not exceeding one half of the cost for the purchase of chemicals (including substances which may be used as chemicals: the same applies hereinafter), sprayers, powder dusters, fog generators and other equipment necessary for the pest control (hereinafter referred to as the "equipment for pest control") to local governments, agricultural workers or bodies organized by them that have carried out the pest control based on the pest control plan pertaining to the public notice under the provisions of paragraph 5 of the preceding Article.
- (2) Persons who intend to receive a subsidy referred to in the preceding paragraph must submit a request for subsidy, together with the documents specified by Order of the Ministry of Agriculture, Forestry and Fisheries, to the Minister of Agriculture, Forestry and Fisheries.
- (3) If the Minister of Agriculture, Forestry and Fisheries examines the submitted documents referred to in the preceding paragraph and considers it appropriate to provide a subsidy, the minister is to make a decision to provide the subsidy.

Article 26 Deleted

(Provision of Chemicals and Lending Equipment for Pest Control Without Charge")

- Article 27 (1) If it is particularly necessary for the pest control for the plants or animals designated as harmful species, the national government may provide the local governments, agricultural workers or bodies organized by them that intend to carry out the pest control based on the pest control plan pertaining to the public notice under the provisions of paragraph 5 of Article 24, with the chemicals necessary for the pest control or provide the chemicals at a price lower than market value, or may lend equipment for pest control without charge.
- (2) Particulars necessary for the provision, transfer and lending under the provisions of the preceding paragraph are specified by the Minister of Agriculture, Forestry and Fisheries.
- (3) In the case referred to in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must consult with the Minister of Finance.
- (4) In order to accomplish the objectives of the provision, transfer and lending of the chemicals or equipment under the provisions of paragraph 1, the Minister of Agriculture, Forestry and Fisheries must endeavor to administrate the chemicals and the equipment for pest control necessary for the provision, transfer or lending at all times.

(Prohibition of Rumor)

Article 28 Any person must not spread rumors concerning the damages to crops in a large area caused by spread of the plants or animals designated as harmful species, in an attempt to make unfair profits from property for themselves or for other persons.

## **Chapter VI Epidemic Prevention in Prefectures**

(Epidemic Prevention Measures Taken by Prefectural Governments)

Article 29 (1) If there is a possibility that the spread of harmful plants or harmful animals could cause serious damage to useful plants and it is necessary to eliminate or prevent the spread thereof, the prefectural government may quarantine plants or may take necessary measures to control harmful plants or harmful animals.

(2) In the case referred to in the preceding paragraph, the prefectural government must take care so that proper distribution of seeds and seedlings or other products produced in other prefectures will not be prevented.

(Recommendations on Pest Control)

Article 30 If there is a possibility that the damage to crops may be caused in the districts of other prefectures because the pest control to keep crops free from harmful plants or harmful animals (hereinafter referred to as "pest control ") is not implemented, or the method of pest control is not suitable, the Minister of Agriculture, Forestry and Fisheries may recommend that the relevant prefectural government must take necessary measures for pest control.

(Pest Forecasting Services Provided by Prefectural Governments)

Article 31 (1) The prefectural governments are to provide pest forecasting services for harmful plants or harmful animals other than the plants and animals designated as harmful species.

(2) The prefectural governor must report the details and results of pest forecasting services referred to in the preceding paragraph to the Minister of Agriculture, Forestry and Fisheries in a timely manner.

(3) If the damage to crops may be caused outside the district of the prefecture due to harmful plants or harmful animals other than the plants or animals designated as harmful species and the Minister of Agriculture, Forestry and Fisheries finds it particularly necessary to harmonize the pest forecasting services provided by prefectural governments, the minister may give necessary instructions to prefectural governors.

(4) If the Minister of Agriculture, Forestry and Fisheries finds it necessary, the minister is to have their employees to cooperate on the pest forecasting

services provided by prefectural governments.

(Pest Control Station)

- Article 32 (1) A pest control station is established by prefectural government that can help plant quarantine or pest control in local areas in Japan.
- (2) The location, name and jurisdictional district of the pest control station are provided for in Prefectural Ordinance.
- (3) If a prefectural government intends to establish a pest control station, it must notify the Minister of Agriculture, Forestry and Fisheries of the particulars provided for in Order of the Ministry of Agriculture, Forestry and Fisheries in advance.
- (4) In order to accomplish the objectives set forth in paragraph 1, the pest control station handles the following administrative work:
- (i) administrative work relating to plant quarantine;
  - (ii) administrative work relating to the planning of pest control;
  - (iii) administrative work relating to guidance and cooperation on pest control implemented by municipal governments, agricultural workers or bodies organized by them;
  - (iv) administrative work relating to the pest forecasting services;
  - (v) administrative work relating to the storage of chemicals or equipment necessary for pest control, and the repair of equipment necessary for pest control;
  - (vi) other administrative work necessary for pest control.
- (5) The pest control station must be the one that conforms to the standards provided for in Cabinet Order as those necessary to carry out the administrative work prescribed in the preceding paragraph.
- (6) If there is a possibility that the spread of harmful plants or harmful animals could cause serious damage to useful plants outside the districts of the prefectures and the Minister of Agriculture, Forestry and Fisheries finds it particularly necessary to eliminate those or prevent the spread thereof, the minister may give instructions to the prefectural governors on the matters regarding administrative work at the pest control station or request the prefectural governors to submit a necessary report.
- (7) Any facility other than the pest control station under this Act must not use the characters for the "pest control station" or characters similar to this in its name.

(Pest Control Staff)

- Article 33 (1) If a prefectural government finds it necessary to control pests, it assigns part-time pest control staff in each district prescribed in the Prefectural Ordinance to have the staff engage in administrative work for the

pest forecasting services or any other administrative work relating to pest control.

- (2) In the case referred to in the preceding paragraph, the provisions of paragraph 3 of the preceding Article apply mutatis mutandis.

Article 34 Deleted

## **Chapter VII Miscellaneous Provisions**

(Subsidies)

Article 35 (1) The national government provides subsidies to prefectural governments as funds to cover the cost required for the cooperation on the pest forecasting services under the provisions of paragraph 1 of Article 23 pursuant to the provisions of paragraph 2 of that Article and to cover the cost for the operations of the pest control stations.

- (2) With regard to the subsidies to be provided to prefectural governments under the provisions of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must decide it in accordance with the standards provided for in Cabinet Order using the number of farming households, area of agricultural land, number of municipal governments as a basis for calculation, and taking into account the emergency for each prefecture to carry out quarantine, pest control and pest forecasting services for plants.

(Filing of Appeal)

Article 36 (1) With regard to orders issued by the plant protection officer under the provisions of paragraph 1 or 2 of Article 9, Article 14, Article 16-4 or Article 16-5, an appeal under the Administrative Complaint Review Act (Act N. 160 of 1962) may not be filed.

- (2) Any person who is dissatisfied with the result of the inspection referred to in paragraph 1 or 4 of Article 10 or paragraph 2 of Article 13 may file a request for re-inspection with the plant protection officer within sixty days from the day following the date of inspection and, if the person is dissatisfied with the result of the re-inspection, the person may file a request for revocation of the inspection result.
- (3) A person who is dissatisfied with the result of the inspection prescribed in the preceding paragraph may file an objection only based on the provisions of that paragraph.

(Collection of Reports)

Article 37 In addition to cases governed by other provisions in this Act, if it is particularly necessary for pest control, the Minister of Agriculture, Forestry

and Fisheries may request local governments, agricultural workers or bodies organized by them to submit necessary reports.

(Administrative Work Handled by Prefectural Governments)

Article 38 (1) Administrative work that falls under the authority of the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 25 and the preceding Article, may be handled partially by the prefectural governor pursuant to the provisions of Cabinet Order.

(2) The authority of the Minister of Agriculture, Forestry and Fisheries prescribed in Chapter III through this Chapter may be delegated partially to the head of the Regional Agricultural Administration Office pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries.

(Type of Administrative Work)

Article 38-2 Administrative work to be handled by the prefectural governments pursuant to the provisions of Article 21 is Type 1 statutory entrusted administrative work under the provisions of Article 2, paragraph 9, item (i) of the Local Autonomy Act (Act No. 67 of 1947).

## **Chapter VIII Penal Provisions**

Article 39 Any person who falls under any of the following items is punished by imprisonment with work not more than 3 years or a fine not more than one million yen:

- (i) a person who violates the provisions of paragraph 1, 2 or 3 of Article 6, paragraph 1 of Article 7, paragraph 4 of Article 13, paragraph 1 of Article 16-2 or paragraph 1 of Article 16-3;
- (ii) a person who violates the requirements for permission under the provisions of paragraph 3 of Article 7 (including as applied *mutatis mutandis* pursuant to the provisions of paragraph 2 of Article 16-3);
- (iii) a person who fails to receive an inspection under the provisions of paragraph 1 of Article 8 or commits an unlawful act when receiving the inspection;
- (iv) a person who violates an order under the provisions of paragraph 1 of Article 18.

Article 40 Any person who falls under any of the following items is punished by imprisonment with work not more than 1 year or a fine not more than five hundred thousand yen:

- (i) a person who fails to receive an inspection under the provisions of paragraph 6 of Article 8 or commits an unlawful act when receiving the

- inspection;
- (ii) a person who violates an order under the provisions of paragraph 7 of Article 8 or Article 16-4;
  - (iii) a person who violates an order pursuant to the provisions of paragraph 1 or 2 of Article 9 or who refuses, obstructs or evades a disposition under the provisions of paragraph 1, 2 or 3 of that Article;
  - (iv) a person who violates the provisions of paragraph 1 of Article 10 or commits an unlawful act when receiving an inspection referred to in that paragraph;
  - (v) a person who violates an order under the provisions of Article 16-5 or who refuses, obstructs or evades a disposition under the provisions of said Article;
  - (vi) a person who violates an order under the provisions of paragraph 2 of Article 18 or who refuses, obstructs or evades a disposition under the provisions of that paragraph;
  - (vii) a person who violates the provisions of Article 28.

Article 41 Any person who falls under any of the following items is punished by a fine not more than three hundred thousand yen:

- (i) a person who refuses, obstructs or evades an inspection or collection under the provisions of paragraph 1 of Article 4, or who fails to make statements or make false statements on questions under the provisions of that paragraph;
- (ii) a person who violates an order under the provisions of paragraph 2 of Article 4;
- (iii) a person who violates the provisions of paragraph 5 of Article 6;
- (iv) a person who refuses, obstructs or evades an inspection under the provisions of paragraph 4 of Article 10;
- (v) a person who violates an order under the provisions of Article 14 or who refuses, obstructs or evades a disposition under the provisions of that Article.

(Dual Criminal Liability Provisions)

Article 42 When a representative person of a juridical person or an agent, employee or other worker of a juridical person or an individual engages in misconduct referred to in the preceding three Articles related to the administrative work of the juridical person or individual, not only the person who engages in misconduct is punished but also the juridical person or individual is punished by a fine.

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

(Effective Date)

- (1) This Act comes into effect on the day of promulgation: provided, however, that

the provisions under Chapter II and paragraph 3 and 4 of the Supplementary Provisions come into effect on the day on which sixty days have elapsed from the day of promulgation.

(Repealed Acts)

- (3) The following Acts is repealed: provided, however, that prior laws continue to govern the application of penal provisions to conduct in which a person engages prior to the enforcement of this Act, even after the enforcement of this Act:

Imported and Exported Plant Quarantine Act (Act No. 86 of 1948);

Pest Prevention and Control Act (Act No. 17 of 1896)

(Transitional Provisions)

- (4) Inspections carried out or permissions granted prior to the enforcement of this Act under the provisions of the Imported and Exported Plants Quarantine Act are deemed as those that have been carried out or granted under the corresponding provisions of this Act.

#### **Supplementary Provisions [Act No. 243 of June 19, 1951] [Extract]**

(Effective Date)

- (1) The date of enforcement of this Act is specified by Cabinet Order: provided, however, that that date must be later than the date on which the Diet passes the budget allocating the budget required for the enforcement of this Act to be borne by the national government.

#### **Supplementary Provisions [Act No. 26 of March 31, 1952] [Extract]**

- (1) This Act comes into effect on April 1, 1952.

#### **Supplementary Provisions [Act No. 39 of March 31, 1952] [Extract]**

- (1) This Act comes into effect on April 1, 1952: provided, however, that the provisions of paragraph 3 of the Supplementary Provisions come into effect on the day of its promulgation.

#### **Supplementary Provisions [Act No. 140 of May 16, 1962] [Extract]**

- (1) This Act comes into effect on October 1, 1962.  
(2) The provisions amended by this Act apply to matters that have arisen prior to the enforcement of this Act, except as otherwise provided for in these Supplementary Provisions; provided, however, that those provisions do not

- restrict the legal validity of the provisions prior to amendment by this Act.
- (3) Prior laws continue to govern lawsuits which are actually pending at the time of the enforcement of this Act, notwithstanding the provisions amended by this Act prescribing that those lawsuits may not be filed.
  - (4) Prior laws continue to govern the jurisdiction over lawsuits which are actually pending at the time of the enforcement of this Act, notwithstanding the provisions amended by this Act prescribing that the relevant jurisdiction is the exclusive jurisdiction.
  - (5) Prior laws continue to govern the statute of limitations for filing an action concerning a disposition or administrative determination, for which the statute of limitations for filing an action under the provisions prior to amendment by this Act has actually started at the time of the enforcement of this Act; provided, however, that it is limited to cases where the statute of limitations for filing an action under the provisions amended by this Act is shorter than the statute of limitations for filing an action under the provisions prior to amendment by this Act.
  - (6) The statute of limitations for filing an action concerning a disposition imposed or an administrative determination made prior to the enforcement of this Act, for which the statute of limitations is determined based on the amendment by this Act, is counted from the date of enforcement of this Act.
  - (7) Prior laws continue to govern actions for revocation of disposition or administrative determination on appeal which are actually pending at the time of the enforcement of this Act, notwithstanding the provisions amended by this Act prescribing that one of the parties to the legal relationship is the defendant; provided, however, that the court may, when the petition is filed by a plaintiff, permit the relevant plaintiff to change the action to a public law related action by its ruling.
  - (8) The provisions of the second sentence of Article 18 and paragraph 2 through paragraph 5 of Article 21 of the Administrative Case Litigation Act apply mutatis mutandis to the cases referred to in the proviso to the preceding paragraph.

#### **Supplementary Provisions [Act No. 161 of September 15, 1962] [Extract]**

- (1) This Act comes into effect on October 1, 1962.
- (2) The provisions amended by this Act also apply to dispositions imposed by administrative authorities prior to the enforcement of this Act, inactions of administrative authorities pertaining to requests filed prior to the enforcement of this Act or other matters that have arisen prior to the enforcement of this Act, except as otherwise provided for in these Supplementary Provisions; provided, however, that those provisions do not restrict the legal validity of the

provisions prior to amendment by this Act.

- (3) Prior laws continue to govern petitions, requests for examination, objections or other appeals (hereinafter referred to as "petitions, etc.") filed prior to the enforcement of this Act, even after the enforcement of this Act. The same applies to petitions, etc. filed in case the party is still dissatisfied with the judicial decision made after the enforcement of this Act on administrative determinations, rulings or other dispositions on petitions, etc., which have been filed prior to the enforcement of this Act (hereinafter referred to as "administrative determinations, etc."), or petitions, etc., filed prior to the enforcement of this Act.
- (4) The petitions, etc., prescribed in the preceding paragraph for a disposition against which an appeal may be filed under the Administrative Complaint Review Act after the enforcement of this Act, are deemed as an appeal under the Administrative Complaint Review Act in regard to the application of laws other than that Act.
- (5) An appeal under the Administrative Complaint Review Act may not be filed against administrative determinations, etc., on requests for examination, oppositions or other appeals filed after the enforcement of this Act pursuant to the provisions of paragraph 3.
- (6) With regard to dispositions imposed by administrative authorities prior to the enforcement of this Act, against which petitions, etc., may be filed pursuant to the provisions prior to amendment by this Act and the statute of limitations for filing petitions has not been set, the statute of limitations for filing an appeal under the Administrative Complaint Review Act is counted from the date on which this Act comes into effect.
- (8) Prior laws continue to govern the application of penal provisions to conduct in which a person engages prior to the enforcement of this Act.
- (9) In addition to what is provided for in the preceding eight paragraphs, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.
- (10) If this Act and the Act on the Consolidation of Relevant Acts for the Enforcement of the Administrative Case Litigation Act (Act No. 140 of 1962) include the provisions to amend the same law, the relevant Act is amended by this Act first and then amended by the Act on the Consolidation of Relevant Acts for the Enforcement of the Administrative Case Litigation Act.

### **Supplementary Provisions [Act No. 130 of December 31, 1971] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the date on which the Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the

Daito Islands takes effect; provided, however, that the provisions of Articles 10, 11 and 19 come into effect on the date specified by Cabinet Order within a period not exceeding one year from that date; the provisions of Article 62 and the following paragraph come into effect on the day of promulgation of this Act; and the provisions of Article 66 come into effect on October 1, 1972.

**Supplementary Provisions [Act No. 65 of June 11, 1976]**

This Act comes into effect on the day of its promulgation.

**Supplementary Provisions [Act No. 87 of July 5, 1978] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day of its promulgation.

**Supplementary Provisions [Act No. 37 of May 18, 1985] [Extract]**

(Effective Date)

(1) This Act comes into effect on the day of its promulgation.

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

(Effective Date)

Article 1 This Act comes into effect on the day of its promulgation.

**Supplementary Provisions [Act No. 67 of June 12, 1996]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year from the day of its promulgation; provided, however, that the provisions of the following Article comes into effect on the day of its promulgation.

(Preparatory Procedure for the Enforcement)

Article 2 A public hearing under the provisions of paragraph 2 of Article 5-2 (including as applied mutatis mutandis pursuant to the provisions of paragraph 6 of Article 6) of the Plant Protection Act amended by this Act (hereinafter referred to as the "New Act") may be held to establish Order of the Ministry under paragraph 1 of Article 5-2, the main clause of paragraph 1 or paragraph 2 of Article 6 of the New Act prior to the date on which this Act comes into effect (hereinafter referred to as the "date of enforcement").

(Transitional Measures)

Article 3 The provisions of Article 6, paragraph 2 of the New Act do not apply to plants for which notification under the provisions of Article 8, paragraph 1 of the Plant Protection Act (hereinafter referred to as "Former Act") (including notice under the provisions of paragraph 4 of that Article or notification under the provisions of paragraph 6 of that Article: hereinafter referred to as "notification, etc.") is given prior to the date of enforcement.

Article 4 If an inspection of plants, prohibited import items and containers or packages was not implemented pursuant to the provisions of Article 8, paragraphs 1, 5 or 6 of the Former Act for which notification, etc., was given prior to the date of enforcement, the notification, etc. is deemed as the notification under the provisions of paragraph 1 of Article 8 of the New Act; the notice under the provisions of paragraph 4 of that Article or notification under the provisions of paragraph 6 of that Article.

Article 5 With regard to an inspection that was implemented pursuant to the provisions of paragraphs 1, 3, 5 or 6 of Article 8 of the Former Act prior to the date of enforcement for which an order has not been given, disposition has not been imposed or a certificate has not been issued pursuant to the provisions of Article 9 of the Former Act prior to the date of enforcement, the provisions of Article 9 of the New Act apply.

Article 6 Prior laws continue to govern the application of penal provisions to conduct in which a person engages prior to the enforcement of this Act.

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

(Effective Date)

Article 1 This Act comes into effect on April 1, 2000, provided, however, that the provisions of the following items come into effect on the date specified in the relevant item.

(i) the amended provisions whereby five Articles, section titles, two subsections and subsection titles are added after Article 250 of the Local Autonomy Act in Article 1 (limited to the part pertaining to paragraph 1 of Article 250-9 of that Act (limited to the part pertaining to the consent to be obtained from both Houses of the Diet)), the amended provisions of paragraphs 9 and 10 of the Natural Parks Act, Supplementary Provisions in Article 40 (limited to the part pertaining to paragraph 10 of these Supplementary Provisions), the provisions of Article 244 (excluding the part pertaining to the amended

provisions of Article 14-3 of the Agricultural Improvement Promotion Act), the provisions of Article 472 (excluding the part pertaining to the amended provisions of Articles 6, 8 and 17 of the Act on Special Measures for Municipal Merger Act), and the provisions of Articles 7, 10, 12, the proviso to Article 59, paragraphs 4 and 5 of Article 60, Article 73, Article 77, paragraph 4 through paragraph 6 of Article 157, Articles 160, 163, 164 and Article 202 of the Supplementary Provisions: the date of its promulgation

(Transitional Measures for Partial Amendment to the Plant Protection Act)

Article 84 (1) An order to cooperate which was given prior to the date of enforcement pursuant to the provisions of paragraph 1 of Article 19 of the Plant Protection Act prior to amendment by this Act (hereinafter referred as the "Former Plant Protection Act" in this Article) pursuant to the provisions of Article 254 is deemed as an instruction given pursuant to the provisions of paragraph 1 of Article 19 of the Plant Protection Act amended by this Act (hereinafter referred to as the "New Plant Protection Act" in this Article) under the provisions of Article 254.

(2) An approval which was given pursuant to the provisions of paragraph 4 of Article 24 of the Former Plant Protection Act prior to the date of enforcement, or a request for approval which has already been filed at the time of enforcement of this Act pursuant to the provisions of that paragraph is deemed as a consent or an offer to have a consultation given respectively pursuant to the provisions of paragraph 4 of Article 24 of the New Plant Protection Act.

(Administrative Work Handled by the National Government)

Article 159 In addition to what is provided for in the respective laws prior to amendment by this Act, the administrative work handled by the national government, local governments or other public bodies (referred to as the "administrative work handled by the national government, etc." in Article 161 of the Supplementary Provisions) that was administrated or handled by the organs of local governments prior to the enforcement of this Act pursuant to the provisions of laws or a Cabinet Order under the laws is to be handled by the local government as the administrative work handled by the local government pursuant to the provisions of this Act or Cabinet Order under this Act after the enforcement of this Act.

(Transitional Measures for Dispositions or Requests)

Article 160 (1) Dispositions such as permissions that are granted and other conduct in which a person engages prior to the enforcement of this Act (the relevant provisions with regard to the provisions prescribed in the relevant items of Article 1 of the Supplementary Provisions; hereinafter the same

applies in this Article and Article 163 of the Supplementary Provisions) pursuant to the provisions of the respective laws prior to amendment by this Act (hereinafter referred to as the "act of disposition, etc."), or the requests for permission that have already been filed at the time of enforcement of this Act pursuant to the provisions of the respective laws prior to amendment by this Act (hereinafter referred to as the "act of filing, etc.") for which persons who handle the administrative affairs pertaining to these acts are different on the date on which this Act comes into effect, are deemed as the act of disposition, etc. or the act of filing, etc. that are performed pursuant to the corresponding provisions of the respective laws amended by these laws, with respect to the application of the respective laws amended by these laws on and after the date of enforcement of this Act, except for those provided for in the provisions of Article 2 through the preceding Article of the Supplementary Provisions or in the provisions for transitional measures for the respective laws (including orders under these laws) amended by these laws.

- (2) Beyond as otherwise provided for in this Act and Cabinet Order under this Act, particulars required by the organs of national government or local government such as reports, notifications, or submission of documents prior to the enforcement of this Act pursuant to the provisions of the respective laws prior to amendment by these laws, for which the relevant procedures have not been started prior to the date on which this Act comes into effect are deemed as particulars required by the relevant organs of national government or local government such as reports, notifications, or submission of documents pursuant to the corresponding provisions of the respective laws amended by these laws, for which the relevant procedures have not been started, and the provisions of the respective laws amended by this Act apply.

(Transitional Measures for Appeals)

Article 161 (1) With regard to appeals filed against the dispositions pertaining to the administrative work of the national government, etc. that have been imposed prior to the date of enforcement in the case where the administrative authority that imposed the relevant disposition (hereinafter referred to as the "administrative agency reaching the disposition" in this Article) has the higher administrative authority prescribed in the Administrative Complaint Review Act (hereinafter referred to as the "higher administrative authority" in this Article) prior to the date of enforcement, it is considered that the administrative agency reaching the disposition continues to have the higher administrative authority even after the date of enforcement, and the provisions of the Administrative Complaint Review Act apply. In this case, the administrative authority that is deemed as the higher administrative authority of the relevant administrative agency reaching the disposition is the

administrative authority that was the higher administrative authority of the relevant administrative agency reaching the disposition prior to the date of enforcement.

(2) In the case referred to in the preceding paragraph, if the administrative authority that is deemed as the higher administrative authority is the organ of the local government, administrative work to be handled by the relevant organ pursuant to the provisions of the Administrative Complaint Review Act is Type 1 statutory entrusted administrative work prescribed in Article 2, paragraph 9, item (i) of the New Local Autonomy Act.

(Transitional Measures for Fees)

Article 162 Prior laws continue to govern fees to be paid prior to the date of enforcement pursuant to the provisions of the respective laws prior to amendment by this Act (including orders under these laws), unless otherwise provided for in this Act and Cabinet Orders under this Act.

(Transitional Measures for Penal Provisions)

Article 163 Prior laws continue to govern the application of penal provisions to conduct in which a person engages prior to the enforcement of this Act.

(Other Transitional Measures Governed by Cabinet Order)

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

(Reviews)

Article 250 While keep in mind not to create new Type 1 statutory entrusted administrative work prescribed in Article 2, paragraph 9, item (i) of the New Local Autonomy Act as much as possible, those prescribed in Appended Table 1 of the New Local Autonomy Act and those prescribed in Cabinet Orders under the New Local Autonomy Act are to be reviewed and streamlined as needed, with the objective of promoting the decentralization of power.

Article 251 In order that the local governments may handle their administrative work and projects on a voluntary and autonomous basis, the national government, by taking into account the trends in financial circumstances, is to conduct a review on the means to increase and secure local taxes in accordance with the segmentation of duties between the national and local governments, and is to take necessary measures based on the results of the review.

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

(Effective Date)

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

**Supplementary Provisions [Act No. 184 of December 22, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on January 6, 2001; provided, however, that the provisions of Article 10, paragraph 2 and Article 7 through Article 9 of the Supplementary Provisions come into effect on the date specified by Cabinet Order within a period not exceeding six months from that date.

**Supplementary Provisions [Act No. 100 of July 31, 2002]**

(Effective Date)

Article 1 This Act comes into effect on the day of enforcement of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002).

(Transitional Measures for Penal Provisions)

Article 2 Prior laws continue to govern the application of penal provisions to conduct in which a person engages prior to the enforcement of this Act.

(Other Transitional Measures Governed by Cabinet Order)

Article 3 In addition to what is provided for in the preceding Article, transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 152 of December 13, 2002] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day of enforcement of the Act on Use of Information-Communication Technology for Administrative Procedures (Act No. 151 of 2002).

(Transitional Measures for Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to conduct in which a person engages prior to the enforcement of this Act.

(Other Transitional Measures Governed by Cabinet Order)

Article 5 In addition to what is provided for in the preceding three Articles, transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 19 of March 31, 2004]**

This Act comes into effect on April 1, 2004.

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

(Effective Date)

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

(Reviews)

Article 50 The national government is to conduct a review on the enforcement status of the New Act when five years have elapsed from the enforcement of this Act, and if the government finds it necessary, the government is to take necessary measures based on the results of the review.

**Supplementary Provisions [Act No. 102 of October 21, 2005] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day of enforcement of the Postal Service Privatization Act.

(Transitional Measures for Penal Provisions)

Article 117 Prior laws continue to govern the application of penal provisions to conduct in which a person engages prior to the enforcement of this Act, conduct in which a person engages after the enforcement of this Act in cases where prior laws continue to govern the conduct pursuant to the provisions of these Supplementary Provisions, conduct in which a person engages prior to the expiration of the provisions of Article 38-8 of the Former Postal Orders Act (limited to the part pertaining to items (ii) and (iii)) which continue to remain in effect pursuant to the provisions of paragraph 1 of Article 9 of the Supplementary Provisions after the enforcement of this Act, conduct in which a person engages prior to the expiration of the provisions of Article 70 of the Former Postal Orders Act (limited to the part pertaining to items (ii) and (iii)) which continue to remain in effect pursuant to the provisions of paragraph 1 of Article 13 of the Supplementary Provisions after the enforcement of this Act, conduct in which a person engages prior to the expiration of the provisions of

Article 8 of the Former Act on the Entrustment of Postal Transfer Deposits and Contributions (limited to the part pertaining to item (ii)) which continue to remain in effect pursuant to the provisions of paragraph 1 of Article 27 of the Supplementary Provisions even after the enforcement of this Act, conduct in which a person engages prior to the expiration of the provisions of Article 70 of the Former Public Corporations Act (limited to the part pertaining to item (ii)) which continue to remain in effect pursuant to the provisions of paragraph 2 of Article 39 of the Supplementary Provisions after the enforcement of this Act, conduct in which a person engages prior to the expiration of the provisions of Articles 71 and 72 of the Former Public Corporations Act (limited to the part pertaining to item (xv)) which continue to remain in effect pursuant to the provisions of paragraph 1 of Article 42 of the Supplementary Provisions after the enforcement of this Act, and conduct in which a person engages prior to the specified date pertaining to the postal savings bank prescribed in Article 104 of the Postal Service Privatization Act in a case to which the provisions of paragraph 2 of Article 2 of the Supplementary Provisions are applicable.