

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

(Order of the Ministry of International Trade and Industry No. 62 of June 10, 1999)

(Definitions)

Article 1 The terms used in the Act on the Measures by Large-Scale Retail Stores for Preservation of Living Environment (Act No. 91 of 1998; hereinafter referred to as "the Act") are in accordance with the terms used in this Ministerial Order.

(Facilities Attached to Stores)

Article 2 The facilities attached to stores specified by Order of the Ministry of Economy, Trade and Industry set forth in Article 4, paragraph (2), item (ii) of the Act are parking facilities, bicycle parking areas, freight handling facilities, storage facilities for waste, etc. (meaning the waste prescribed in Article 2, paragraph (1) of the Waste Disposal and Cleaning Act (Act No. 137 of 1970) (hereinafter in this Article referred to as "waste") and recyclable resources prescribed in Article 2, paragraph (4) of the Act on the Promotion of Effective Utilization of Resources (Act No. 48 of 1991); the same applies hereinafter), and disposing facilities for waste.

(Notifications Regarding the Establishment of a New Large-Scale Retail Store)

Article 3 (1) The matters specified by Order of the Ministry of Economy, Trade and Industry set forth in Article 5, paragraph (1), item (v) of the Act are the following.

- (i) the position of and number of cars accommodated in the parking facilities.
- (ii) the position of and number of bicycles accommodated in the bicycle parking areas.
- (iii) the position and area of the freight handling facilities.
- (iv) the position and capacity of the storage facilities for waste, etc.

(2) The matters specified by Order of the Ministry of Economy, Trade and Industry set forth in Article 5, paragraph (1), item (vi) of the Act are the following.

- (i) the opening time and closing time for persons conducting retail business at the large-scale retail store.
- (ii) the time period during which customers may use the parking facilities.
- (iii) the number and position of automobile entrances and exits to the parking

facilities.

(iv) the time period during which freight handling can be done in the freight handling facilities.

(3) Notifications pursuant to the provisions of Article 5, paragraph (1) of the Act must be submitted using Written Notification Form 1.

(Attached Documents to Notifications Concerning New Large-Scale Retail Stores)

Article 4 (1) The matters specified by Order of the Ministry of Economy, Trade and Industry set forth in Article 5, paragraph (2) of the Act (including cases where it is applied mutatis mutandis pursuant to Article 6, paragraph (3), Article 8, paragraph (8) and Article 9, paragraph (5) of the Act) are to be as follows; provided, however, that when a prefecture cannot use the identification information prescribed in Article 30-5, paragraph (1) of the Basic Resident Registration Act (Act No. 81 of 1967) pertaining to a party submitting a notification set forth in Article 5, paragraph (1), Article 6, paragraph (2), Article 8, paragraph (7) or Article 9, paragraph (4) of the Act or Article 5, paragraph (1) of its Supplementary Provisions (including cases where it is applied mutatis mutandis pursuant to paragraph (3) of the same Article), pursuant to the provisions of Article 30-7, paragraph (4), paragraph (5), paragraph (6) or Article 30-8, paragraph (1) of the Basic Resident Registration Act, or when a prefecture cannot receive the provision of the relevant identification information, in cases where the party submitting a notification set forth in Article 5, paragraph (1), Article 6, paragraph (2), Article 8, paragraph (7), Article 9, paragraph (4) or Article 5, paragraph (1) of its Supplementary Provisions (including cases where it is applied mutatis mutandis pursuant to paragraph (3) of the same Article) is an individual, the prefecture may have that party submit a copy of their resident records.

(i) where the party is a juridical person, its certificate of registered information;

(ii) the type of products that will mainly be sold;

(iii) drawings indicating the positions of buildings and the layout of the inside areas of those buildings which are to be used by the store for conducting its retail business;

(iv) the results of a forecast on the number of customers' automobiles conducted for the purposes of calculating the number of cars accommodated that is needed in any parking facilities, and the calculation basis;

(v) the form of automobile entrances or exits to the parking facilities, or the number of automobile entrances or exits, and any matters necessary for the designation of their locations, based on the results of a forecast conducted on the numbers of customers' vehicles leaving and arriving;

- (vi) guidance routes and methods for customers' automobiles in the parking facilities;
 - (vii) the number of automobiles used in the conveying of goods to and from any freight handling facilities, and the time periods in which freight handling will occur;
 - (viii) in cases where sound insulation walls are to be installed, drawings indicating the location and height of those sound insulation walls;
 - (ix) in cases where cooling towers, external units for cooling and heating equipment, or air blowers are to be installed, the time periods when those are to be in operation, and drawings indicating their location;
 - (x) the results of a forecast conducted on the equivalent continuous A-weighted sound level on a day representative of the average, and the calculation basis;
 - (xi) in cases where it is expected that noise will arise through the operation of the large-scale retail store's facilities at night, the results of a forecast conducted on the maximum level of noise associated with each source of noise, and the calculation basis;
 - (xii) the results of a forecast on emission levels, etc. of waste, etc., conducted for the purposes of calculating the capacity of storage facilities necessary for the storage of waste etc., and the calculation basis.
- (2) The forecasts listed in item (iv), item (v), and items (x) to (xii) of the preceding paragraph are to be conducted through methods that can be considered to be sensible, taking into consideration general technological level.

(Public Notice of Notifications Regarding the Establishment of New Large-Scale Retail Stores)

Article 5 Public notice pursuant to the provisions of Article 5, paragraph (3) of the Act (including as applied *mutatis mutandis* pursuant to the provisions of Article 6, paragraph (3), Article 8, paragraph (8), and Article 9, paragraph (5) of the Act) is to be made by prefectural bulletin or other methods considered appropriate by the prefecture.

(Notification of Changes)

Article 6 Written notifications pursuant to the provisions of Article 6, paragraph (1) of the Act must be submitted using Written Notification Form 2.

Article 7 (1) The changes specified by Order of the Ministry of Economy, Trade and Industry set forth in Article 6, paragraph (2) of the Act are to be temporary changes, or those listed in each of the following items.

- (i) postponement of the date of establishment of the large-scale retail store.
- (ii) in cases in which the prefecture has made a notification that it has no opinion pursuant to the provisions of Article 8, paragraph (4) of the Act, the

- bringing forward of the date of establishment of the large-scale retail store.
- (iii) reductions to the total store floor area of the large-scale retail store.
 - (iv) those increases to the total store floor area of the large-scale retail store for which the total store floor area after increase does not exceed the total store floor area listed in (a) or (b) below in cases listed in the relevant (a) or (b) below (hereinafter referred to as the "basic floor area") added to whichever is smaller: 1000 square metres or a floor area equivalent to 10 percent of the basic floor area.
 - (a) Those cases in which notification pursuant to the provisions of Article 5, paragraph (1) of the Act is being made where notification pursuant to the provisions of Article 6, paragraph (2) of the Act is not being made: The total store floor area pertaining to the relevant notification.
 - (b) Cases in which notification pursuant to Article 6, paragraph (2) of the Act is being made: The total store floor area after the increase to the store floor area pertaining to the relevant notification.
 - (v) increases the number of accommodation in the parking facilities or the bicycle parking area.
 - (vi) increases the floor area of the freight handling facilities.
 - (vii) increases the capacity of the storage facilities for waste, etc.
 - (viii) moving back of opening times or bringing forward of closing times for persons conducting retail businesses in the large-scale retail store.
- (2) Notifications pursuant to the provisions of Article 6, paragraph (2) of the Act must be submitted using Written Notification Form 3.

(Minor Changes)

Article 8 The minor changes specified by Order of the Ministry of Economy, Trade and Industry set forth in the proviso to Article 6, paragraph (4) of the Act are to be those changes to the positioning of facilities attached to stores that are considered by the prefecture to bring about no change in the effect on the living environment of the surrounding area of the large-scale retail-store in comparison to the situation prior to the relevant changes.

(Notification of Repeal)

Article 9 Notifications pursuant to the provisions of Article 6, paragraph (5) of the Act must be submitted using Written Notification Form 4.

Article 10 Public notice pursuant to the provisions of Article 6, paragraph (6) of the Act is to be made by prefectural bulletin or other methods considered appropriate by the prefecture.

(Briefing Sessions)

Article 11 (1) Briefing sessions pursuant to the provisions of Article 7, paragraph (1) of the Act are to consist of one session at a facility in the surrounding area of the location of the large-scale retail store, with persons residing in the region of the municipality containing the location on of the relevant large-scale retail store as subjects; provided, however, that in cases in which the prefecture considers that a considerable number of persons need to participate the session, because the positioning of the relevant large-scale retail store will have a large effect on the living environment of the surrounding area, a number of sessions designated by the prefecture are to be held, to a maximum of three.

(2) The provisions of the preceding paragraph notwithstanding, in cases in which the changes set forth in Article 6, paragraph (2) of the Act have been made, when the prefecture considers that, because the large-scale retail store will have almost no effect on the living environment of the surrounding area, there is no need to hold a briefing session, the briefing session pursuant to the provisions of Article 7, paragraph (1) is to take place in the form of displaying by the hosts of the briefing session of a gist of the notifications, etc. in an easily visible place in the site where the relevant large-scale retail store is to be located.

Article 12 Public notice pursuant to the provisions of Article 7, paragraph (2) of the Act is to be made through a method from among any of those listed below.

- (i) publishing in the prefectural bulletin or written reports on obtaining the cooperation of the prefecture.
- (ii) publishing in a daily newspaper publishing matters regarding current events.
- (iii) beyond what is set forth in the preceding two items, a method considered appropriate by the prefecture.

Article 13 (1) The cause specified by Order of the Ministry of Economy, Trade and Industry set forth in Article 7, paragraph (4) of the Act is to be a cause listed below as confirmed by the prefecture.

- (i) the inability to hold a briefing session due to natural disaster, traffic disruption or other unforeseen circumstances.
 - (ii) the inability to hold a smooth briefing session due to intentional disruption on the part of persons other than the hosts of the briefing session.
- (2) Dissemination pursuant to the provisions of Article 7, paragraph (4) of the Act is to be made through a method from among any of those listed below.
- (i) publishing a gist of the notifications, etc. in the municipal bulletin or written reports on obtaining the cooperation of the prefecture.
 - (ii) publishing a gist of the notifications, etc. in a daily newspaper publishing

matters regarding current events.

(iii) beyond what is set forth in the preceding two items, a method considered appropriate by the prefecture for dissemination the contents of the notifications, etc.

(Public Notice of the Opinions of the Prefecture)

Article 14 Public notice pursuant to the provisions of Article 8, paragraph (3) of the Act is to be made by prefectural bulletin or other methods considered appropriate by the prefecture.

Article 15 Public notice pursuant to the provisions of Article 8, paragraph (6) of the Act is to be made by prefectural bulletin or other methods considered appropriate by the prefecture.

(Notification of Changes pertaining to Opinions of the Prefecture)

Article 16 Notifications pursuant to the provisions of Article 8, paragraph (7) of the Act must be submitted using Written Notification Form 5.

(Public Notice of Recommendations of the Prefecture)

Article 17 Public notice pursuant to the provisions of Article 9, paragraph (3) of the Act is to be made by prefectural bulletin or other methods considered appropriate by the prefecture.

(Notification of Changes pertaining to Recommendations of the Prefecture)

Article 18 Notifications pursuant to the provisions of Article 9, paragraph (4) of the Act must be submitted using Written Notification Form 6.

(Succession)

Article 19 Notifications pursuant to the provisions of Article 11, paragraph (3) of the Act must be submitted using Written Notification Form 7.

(Notifications pertaining to Transitional Measures)

Article 20 Notifications pursuant to the provisions of Article 5, paragraph (1) of the Supplementary Provisions to the Act (including as applied mutatis mutandis pursuant to Article 5, paragraph (3) of the Supplementary Provisions to the Act) must be submitted using Written Notification Form 8.

Supplementary Provisions

(1) This Ministerial Order comes into effect as of June 11, 1999.

(2) With respect to the application of the provisions of Article 8 in cases in which

changes pertaining to a notification pursuant to the provisions of Article 5, paragraph (1) (including as applied mutatis mutandis pursuant to Article 5, paragraph (3) of the Supplementary Provisions to the Act) of the Supplementary Provisions to the Act deemed to be a notification pursuant to the provisions of Article 6, paragraph (2) of the Act pursuant to the provisions of Article 5, paragraph (4) of the Supplementary Provisions to the Act, where in Article 8 the term "changes to the positioning of facilities attached to stores" is read as "temporary changes, changes to the positioning of facilities attached to stores, or reductions to the total store floor area of the large-scale retail store".

Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 91 of October 6, 1999]

This Ministerial Order comes into effect as of June 1, 2000.

Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 136 of July 7, 2000]

This Ministerial Order comes into effect as of the date of promulgation.

Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 271 of October 31, 2000]

This Ministerial Order comes into effect as of January 6, 2001.

Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 99 of March 29, 2001] [Extract]

(Effective Date)

- (1) This Ministerial Order comes into effect as of the date on which the Act Partially Amending the Commercial Code, etc., and the Act on the Arrangement of Related Acts that Accompany the Enforcement of Acts Partially Amending the Commercial Code, etc. (April 1, 2001) comes into effect.

Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 127 of March 30, 2001]

This Ministerial Order comes into effect as of April 1, 2001.

Supplementary Provisions [Order of the Ministry of Economy, Trade and

Industry No. 165 of May 28, 2001]

This Ministerial Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Order of the Ministry of Economy, Trade and
Industry No. 42 of March 31, 2003]**

This Ministerial Order comes into effect as of the date of promulgation.