

# Act on Conservation of Endangered Species of Wild Fauna and Flora

(Act No. 75 of June 5, 1992)

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## Chapter I General Provisions

(Purpose)

Article 1 In view of the fact that wild fauna and flora are not only important components of ecosystems but also serve an essential role in enriching the lives of human beings by forming an important part of the natural environment, the purpose of this Act is to secure biological diversity and conserve a healthy natural environment by ensuring the conservation of endangered species of

wild fauna and flora, thereby contributing to securing wholesome and rich cultural lives for present and future generations of citizens.

(Responsibilities)

- Article 2 (1) The national government will monitor the status of wild fauna and flora species (or subspecies or varieties in case of species with subspecies or varieties; the same applies hereinafter) at all times, improve scientific knowledge about the conservation of endangered species of wild fauna and flora, and establish and implement comprehensive measures for the conservation of these species.
- (2) Local governments are to endeavor to establish and implement measures for the conservation of endangered species of wild fauna and flora according to the natural and social conditions within their territories.
- (3) Persons that establish or manage zoos, botanical gardens, aquariums, or any other facilities specified by Ministry of the Environment Order as principally intended for rearing or cultivating (hereinafter referred to as "rearing, etc.") and exhibiting wild fauna and flora (hereinafter referred to as "zoos, botanical gardens, etc.") must endeavor to contribute to the conservation of endangered species of wild fauna and flora by cooperating in the measures carried out by the national government and local governments under the preceding two paragraphs, in view of the fact that zoos, botanical gardens, etc. have an important role in the securing of biological diversity.
- (4) Citizens must endeavor to contribute to the conservation of endangered species of wild fauna and flora by such means as cooperation in the measures carried out by the national government and local governments under paragraphs (1) and (2).

(Respect for Property Rights)

Article 3 In the application of this Act, respect must be paid to the ownership rights and other property rights held by relevant persons, consideration must be given to the stability of residents' lives and to the maintenance and improvement of their welfare, and attention must be paid to coordination with the conservation of national land and other public interests.

(Definitions)

Article 4 (1) The term "endangered" as used in this Act, with regard to a species of wild fauna or flora, means that the population of that species is extremely small or is significantly decreasing, or major habitats of the population of that species are disappearing, or the habitat or growing environment of the population of that species is showing signs of extreme deterioration, and that the abovementioned trends are progressing to the degree that the survival of

that species is affected, or that there are other circumstances that affect the survival of that species.

- (2) The term "rare species of wild fauna and flora" as used in this Act means the nationally rare species of wild fauna and flora as defined in the following paragraph, the internationally rare species of wild fauna and flora as defined in paragraph (4), and the temporarily designated species provided in paragraph (1) of the following Article.
- (3) The term "nationally rare species of wild fauna and flora" as used in this Act means the endangered species of wild fauna and flora whose populations live or grow in Japan and which are specified by Cabinet Order.
- (4) The term "internationally rare species of wild fauna and flora" as used in this Act means the endangered species of wild fauna and flora for which arrangements have been made to ensure their conservation through international cooperation (excluding the nationally rare species of wild fauna and flora) and which are specified by Cabinet Order.
- (5) The term "specified class I nationally rare species of wild fauna and flora" as used in this Act means the nationally rare species of wild fauna and flora which fall under all of the following items and which are designated by Cabinet Order:
  - (i) the species can be commercially reproduced;
  - (ii) no arrangements have been made to ensure conservation of the species through international cooperation.
- (6) The term "specified class II nationally rare species of wild fauna and flora" as used in this Act means the nationally rare species of wild fauna and flora which fall under all of the following items and which are specified by Cabinet Order:
  - (i) major habitats of the population of the species are disappearing or the habitat or growing environment of the population of the species is showing signs of extreme deterioration;
  - (ii) the population of the species is not extremely small to the degree that it affects the survival of the species;
  - (iii) the rate at which its population increases by reproduction is not low;
  - (iv) no arrangements have been made to ensure conservation of the species through international cooperation.
- (7) When the minister formulates the plan to enact, amend or abolish Cabinet Order referred to in (3) through the preceding paragraph, the Minister of the Environment must hear the opinions of persons with professional expertise regarding species of wild fauna and flora.

(Temporarily Designated Species)

Article 5 (1) If the Minister of the Environment finds it to be particularly

necessary to urgently ensure the conservation of any species of wild fauna or flora which is neither a nationally nor an internationally rare species of wild fauna and flora, the minister may designate that species as a temporarily designated species.

- (2) If the Minister of the Environment intends to make a designation under the provisions of the preceding paragraph (hereinafter referred to as a "designation" in this Article), the minister must consult with the heads of the relevant administrative organs in advance.
- (3) The period of a designation must not exceed three years.
- (4) Upon making a designation, the Minister of the Environment must give public notice of the designation and of the species of wild fauna or flora to which the designation pertains in the official gazette.
- (5) The designation becomes effective on the second day following the day of the public notice given under the provisions of the preceding paragraph.
- (6) If the Minister of the Environment finds that a designation is no longer necessary, the minister must lift the designation.
- (7) The provisions of paragraphs (2), (4), and (5) apply mutatis mutandis to the lifting of a designation under the provisions of the preceding paragraph. In this case, the phrase "on the second day following the day of the public notice given under the provisions of the preceding paragraph" in paragraph (5) is deemed to be replaced with "upon publication of the public notice given under the provisions of the preceding paragraph as applied mutatis mutandis pursuant to paragraph (7)".

(National Guidelines for the Conservation of Rare Species of Wild Fauna and Flora)

- Article 6 (1) The Minister of the Environment will draft national guidelines for the conservation of rare species of wild fauna and flora after hearing the opinion of the Central Environmental Council and seek a cabinet decision on the draft national guidelines.
- (2) The national guidelines referred to in the preceding paragraph (hereinafter referred to as the "national guidelines for the conservation of rare species of wild fauna and flora" in this Article) provide for the matters set forth below:
    - (i) the basic concept for the conservation of endangered species of wild fauna and flora;
    - (ii) basic matters concerning the selection of rare species of wild fauna and flora;
    - (iii) basic matters concerning solicitation of proposals concerning nationally rare species of wild fauna and flora;
    - (iv) basic matters concerning the handling of individuals (including eggs and seeds specified by Cabinet Order; the same applies hereinafter) of rare

- species of wild fauna and flora and their body parts (limited to those which require regulations on transfer, etc. or other measures for the conservation of species under this Act and which allow easy identification of the species and which are specified by Cabinet Order; the same applies hereinafter), as well as processed products of those individuals or their body parts (limited to those which allow easy identification of the species and which are specified by Cabinet Order; the same applies hereinafter);
- (v) basic matters concerning the protection of the habitats of the populations of the nationally rare species of wild fauna and flora;
  - (vi) basic matters concerning conservation and reproduction programs (meaning programs for promoting the reproduction of the population of nationally rare species of wild fauna and flora, maintaining their habitat, or otherwise ensuring the conservation of nationally rare species of wild fauna and flora; the same applies in Chapter IV);
  - (vii) basic matters concerning certified zoos, botanical gardens, etc. conserving rare species as defined in Article 48-5, paragraph (1);
  - (viii) beyond what is set forth in the preceding items, important matters concerning the conservation of endangered species of wild fauna and flora.
- (3) Upon the cabinet decision referred to in paragraph (1) on the national guidelines for the conservation of rare species of wild fauna and flora, the Minister of the Environment must publicize the decision without delay.
- (4) The provisions of paragraph (1) and the preceding paragraph apply mutatis mutandis to any amendment of the national guidelines for the conservation of rare species of wild fauna and flora.
- (5) The Minister of the Environment is to solicit proposals as prescribed in paragraph (2), item (iii) pursuant to the provisions of Ministry of the Environment Order.
- (6) Any dispositions and other details of measures and programs for the conservation of endangered species of wild fauna and flora under the provisions of this Act must be consistent with the national guidelines for the conservation of rare species of wild fauna and flora.

## **Chapter II Regulations on the Handling of an Individual, etc.**

### **Section 1 Obligations of Owner of an Individual, etc.**

(Obligations of Owners of an Individual, etc.)

Article 7 An owner or possessor of an individual, or body part thereof, of a rare species of wild fauna and flora, or a processed product of that individual or body part thereof (hereinafter collectively referred to as an "individual, etc.") must be aware of the importance of conserving the rare species of wild fauna and flora, and must endeavor to appropriately handle the individual, etc.

(Advice or Guidance)

Article 8 if the Minister of the Environment finds it to be necessary for the conservation of rare species of wild fauna and flora, the minister may provide the owner or possessor of an individual, etc. of a rare species of wild fauna and flora with necessary advice or guidance on the handling of the individual, etc.

## **Section 2 Prohibition of Capturing an Individual and Transferring an Individual, etc.**

(Prohibition of Capture or Other Actions)

Article 9 A person must not catch, collect, kill, or damage (hereinafter collectively referred to as "capture or other actions") any live individual of a nationally rare species of wild fauna and flora or temporarily designated species (hereinafter collectively referred to as a "nationally rare species of wild fauna and flora, etc." in this Section and Article 54, paragraph (2)); provided, however, that this does not apply in the cases set forth below:

- (i) in case of capture or other actions with permission and as permitted under paragraph (1) of the following Article;
- (ii) in case of capture or other actions regarding a live individual of a specified class II nationally rare species of wild fauna and flora for any purpose other than for the purpose of selling or distributing the individual;
- (iii) in the cases specified by Ministry of the Environment Order as those where it is particularly necessary for the person to engage in the capture or other actions in order to earn a living and where the capture or other actions do not potentially affect the conservation of the species;
- (iv) if the capture or other actions are unavoidable for the protection of human lives or bodies or for other unavoidable grounds specified by Ministry of the Environment Order.

(Permission for Capture or Other Actions)

Article 10 (1) A person that intends to capture or take other actions regarding a live individual of a nationally rare species of wild fauna and flora, etc.

(excluding specified class II nationally rare species of wild fauna and flora; the same applies in paragraph (3), item (ii) and paragraph (4), item (i) and in paragraph (3), item (i) and paragraph (4), item (i) of the following Article) for the purpose of academic research or reproduction or for any of the other purposes specified by Ministry of the Environment Order must obtain the permission of the Minister of the Environment.

(2) A person wishing to obtain the permission required under the preceding paragraph must file an application with the Minister of the Environment for

the permission pursuant to the provisions of Ministry of the Environment Order.

- (3) If any of the following grounds exist with regard to the capture or other actions for which an application has been filed under the preceding paragraph, the Minister of the Environment must not grant permission under paragraph (1):
  - (i) the purpose of the proposed capture or other actions do not conform to any of the purposes prescribed in paragraph (1);
  - (ii) the proposed capture or other actions may affect the conservation of the nationally rare species of wild fauna and flora, etc.;
  - (iii) the person proposing to engage in the capture or other actions is found to be unable to appropriately handle the individual proposed for capture or other actions due to a lack of appropriate rearing or cultivation facilities or for any other reason.
- (4) When granting permission under paragraph (1), the Minister of the Environment may impose conditions on the permission depending on which of the categories of permission set forth in the following items the permission belongs to and to the extent necessary as provided in the applicable item:
  - (i) permission other than that prescribed in the following item: if the minister finds it to be necessary to impose the conditions for the purpose of conserving the nationally rare species of wild fauna and flora, etc.;
  - (ii) permission to capture or take other actions regarding a live individual of a specified class I nationally rare species of wild fauna and flora for the purpose of reproducing individuals for transfer or delivery of individuals, etc. in a business conducted under Article 30, paragraph (1): if the minister finds it to be necessary to impose the conditions for the purpose of contributing to the conservation of the nationally rare species of wild fauna and flora through promoting the reproduction of individuals of the specified class I nationally rare species of wild fauna and flora.
- (5) Upon granting permission under paragraph (1), the Minister of the Environment must issue a permit pursuant to the provisions of Ministry of the Environment Order.
- (6) A recipient of permission obtained under paragraph (1) that is a corporation or is any other entity specified by Ministry of the Environment Order as having unavoidable reasons for engaging other persons to conduct the permitted capture or other actions may file an application with the Minister of the Environment pursuant to the provisions of Ministry of the Environment Order to receive issuance of worker certificates certifying that their holders are persons engaged in the capture or other actions under the supervision of the recipient and with the permission granted to the recipient
- (7) In the event of the loss of a permit referred to in paragraph (5) or of a worker

certificate referred to in the preceding paragraph by the recipient of the permission obtained under paragraph (1) or by a person engaged in the capture or other actions under the supervision of the recipient and with the permission granted to the recipient, or in the event of destruction of the permit or the worker certificate, the recipient of the permission may file an application with the Minister of the Environment to be reissued with the permit or the worker certificate, pursuant to the provisions of Ministry of the Environment Order.

- (8) A recipient of permission obtained under paragraph (1) or a person engaged in the capture or other actions under the supervision of the recipient and with the permission granted to the recipient must carry the permit referred to in paragraph (5) or the worker certificate referred to in paragraph (6) when engaging in the capture or other actions.
- (9) A person that has captured or taken other actions regarding an individual with permission under paragraph (1) must appropriately handle the individual captured or subjected to other actions by housing it in an appropriate rearing or cultivation facility or by any of the other methods specified by Ministry of the Environment Order.
- (10) If the Minister of the Environment intends to grant permission under paragraph (1) to capture or take other actions regarding a live individual of a specified class I nationally rare wild fauna and flora for the purpose of reproducing individuals for transfer or delivery of individuals, etc. in a business conducted under Article 30, paragraph (1) or if the minister intends to impose conditions on that permission under the provisions of paragraph (4), the minister must consult with the Minister of Agriculture, Forestry and Fisheries in advance.

(Orders to Take Measures to Enforce Regulations on Capture and Other Actions)

- Article 11 (1) The Minister of the Environment may issue an order to any person that has captured or taken other actions regarding a live individual of a nationally rare species of wild fauna and flora, etc. in violation of the provisions of Article 9 to transfer the live individual of the nationally rare species of wild fauna and flora, etc. illegally captured or subjected to other actions to the Minister of the Environment or any person designated by the minister or to take any other necessary measures if the minister finds those measures necessary for the conservation of the nationally rare species of wild fauna and flora, etc.
- (2) If the Minister of the Environment has issued an order under the provisions of the preceding paragraph and if the person subject to the order fails to take the measures required by the order, then the minister may take those measures and may charge all or part of the expenses of the measures to the



person.

- (3) If a recipient of permission obtained under paragraph (1) of the preceding Article violates the provisions of paragraph (9) of the same Article or violates the conditions imposed under the provisions of paragraph (4) of the same Article, the Minister of the Environment may issue an order to that recipient to improve the relevant rearing or cultivation facilities or to take any other necessary measures depending on which of the categories of recipients set forth in the following items the recipient belongs to and to the extent provided in the applicable item:
- (i) a person other than that prescribed in the following item: if the minister finds it to be necessary to issue the order for the purpose of conserving the nationally rare species of wild fauna and flora, etc.;
  - (ii) a person that has received permission under paragraph (1) of the preceding Article to capture or take other actions regarding a live individual of a specified class I nationally rare species of wild fauna and flora for the purpose of reproducing individuals for transfer or delivery of individuals in a business conducted under Article 30, paragraph (1): if the minister finds it to be necessary to issue the order for the purpose of contributing to the conservation of the nationally rare species of wild fauna and flora through promoting the reproduction of individuals of the specified class I nationally rare species of wild fauna and flora.
- (4) If a recipient of permission obtained under paragraph (1) of the preceding Article violates the provisions of this Act or any order issued under this Act or any disposition rendered under this Act, the Minister of the Environment may revoke the permission depending on which of the categories of recipients set forth in the following items the recipient belongs to and to the extent provided in the applicable item:
- (i) a person other than that prescribed in the following item: if the minister finds that the permission will affect the conservation of the nationally rare species of wild fauna and flora, etc.;
  - (ii) the person set forth in item (ii) of the preceding paragraph: if the minister finds that the permission will negatively affect the contribution to the conservation of the nationally rare species of wild fauna and flora through promoting the reproduction of individuals of the specified class I nationally rare species of wild fauna and flora.
- (5) If the Minister of the Environment intends to issue an order under the provisions of paragraph (3) to the person set forth in item (ii) of the same paragraph or intends to revoke under the provisions of the preceding paragraph the permission granted to the same person, the minister must consult with the Minister of Agriculture, Forestry and Fisheries in advance.

(Prohibition of Transfer)

Article 12 (1) A person must not transfer or deliver, or receive a transfer or delivery of (hereinafter collectively referred to as "transfer, etc."), any individual, etc. of a rare species of wild fauna and flora; provided, however, that this does not apply in the following cases:

- (i) in the case of a transfer, etc. with permission and as permitted under paragraph (1) of the following Article;
- (ii) in the case of a transfer, etc. of an individual, etc. of a specified class I nationally rare species of wild fauna and flora;
- (iii) in the case of a transfer, etc. of an individual, etc. of a specified class II nationally rare species of wild fauna and flora for any purpose other than for the purpose of selling, purchasing, or distributing the individual, etc.;
- (iv) in the case of a transfer, etc. of a body part, or a processed product thereof, of an internationally rare species of wild fauna and flora which are all specified by Cabinet Order as a raw material for manufactured products in Japan (hereinafter referred to as a "raw material body part, etc."), or a processed product which is made from the raw material body part, etc. and which satisfies the requirements in terms of form, size, and other matters prescribed by Cabinet Order according to the type of raw material body part, etc. or the processed product thereof (hereinafter referred to as a "specified body part, etc.") (excluding a transfer or delivery of a special specified body part, etc. as defined in Article 33-6, paragraph (1) (simply referred to as a "special specified body part, etc." in item (vii) and the items of Article 17) in a special international species business as defined in the same paragraph (simply referred to as a "special international species business in Article 17, item (ii)));
- (v) in the case of a transfer, etc. of an individual, or a body part thereof, of a nationally rare species of wild fauna and flora, etc. captured or taken other actions in the case set forth in item (iii) of Article 9, or a processed product of that individual or a body part thereof;
- (vi) in the case of a transfer, etc. of an individual, etc. of an internationally rare species of wild fauna and flora registered under Article 20, paragraph (1) or a raw material body part, etc. for which the advance registration certificate as defined in Article 20-4, paragraph (1) has been completed pursuant to the provisions of the main clause of the same paragraph;
- (vii) in the case of a transfer or delivery of a special specified body part, etc. by a special international species business operator as defined in Article 33-7, paragraph (1) (simply referred to as a "special international species business operator" in Article 17, item (ii));
- (viii) in the cases specified by Ministry of the Environment Order where either or both of the parties to a transfer, etc. of an individual, etc. of a rare species

of wild fauna and flora are national government organs or local governments;  
(ix) beyond what is set forth in the preceding items, in cases specified by  
Ministry of the Environment Order as those where the transfer, etc. do not  
potentially affect the conservation of the rare species of wild fauna and flora.

(2) If the Minister of the Environment intends to establish Ministry of the  
Environment Order referred to in item (viii) or (ix) of the preceding paragraph,  
the minister must consult with the Minister of Agriculture, Forestry and  
Fisheries and the Minister of Economy, Trade and Industry.

(Permission for Transfer)

Article 13 (1) A person that intends to make a transfer, etc. of an individual, etc.  
of a rare species of wild fauna and flora, etc. for the purpose of academic  
research or reproduction or for any of the other purposes specified by Ministry  
of the Environment Order (excluding persons that fall under any of the cases  
set forth in items (ii) through (ix) of paragraph (1) of the preceding Article and  
that intend to make that transfer, etc.) must obtain the permission of the  
Minister of the Environment.

(2) A person wishing to obtain the permission required under the preceding  
paragraph must file with the Minister of the Environment an application for  
the permission pursuant to the provisions of Ministry of the Environment  
Order.

(3) If any of the following grounds exist with regard to the transfer, etc. for which  
an application has been filed under the preceding paragraph, the Minister of  
the Environment must not grant permission under paragraph (1):

(i) the purpose of the proposed transfer, etc. does not conform to any of the  
purposes prescribed in paragraph (1);

(ii) the transferee or recipient of the individual, etc. is found to be unable to  
appropriately handle the individual, etc. proposed to be transferred or  
received for the purpose of conserving the species due to a lack of an  
appropriate rearing or cultivation facility or for any other reason.

(4) The provisions of Article 10, paragraph (4) apply mutatis mutandis to  
permission under paragraph (1), the provisions of paragraph (9) of the same  
Article apply mutatis mutandis to a person that has received a transfer or  
delivery with permission under paragraph (1), and the provisions of paragraph  
(2) of the preceding Article apply mutatis mutandis to any enactment, revision,  
or abolition of Ministry of the Environment Order referred to in paragraph (1).  
In this case, the phrase "individual so captured or subjected to other actions" in  
Article 10, paragraph (9) is deemed to be replaced with "individual, etc. so  
transferred and delivered".

(Orders to Take Measures to Enforce Regulations on Transfer)

Article 14 (1) The Minister of the Environment may issue an order to any person that has received a transfer or delivery of an individual, etc. of a rare species of wild fauna and flora in violation of the provisions of Article 12, paragraph (1) to transfer the illegally received individual, etc. of the rare species of wild fauna and flora to the Minister of the Environment or any person designated by the minister or to take any other necessary measures if the minister finds those measures necessary for the conservation of the rare species of wild fauna and flora.

(2) If the Minister of the Environment has issued an order under the provisions of the preceding paragraph and if the person subject to the order fails to take the measures required by the order, then the minister may take those measures and may charge all or part of the expenses of the measures to the person.

(3) If a recipient of permission obtained under paragraph (1) of the preceding Article violates the provisions of Article 10, paragraph (9) as applied *mutatis mutandis* pursuant to paragraph (4) of the preceding Article or the conditions imposed under the provisions of Article 10, paragraph (4) as applied *mutatis mutandis* pursuant to paragraph (4) of the preceding Article and if the Minister of the Environment finds it to be necessary for the conservation of the rare species of wild fauna and flora, the minister may issue an order to that recipient to improve the relevant rearing or cultivation facilities or to take any other necessary measures.

#### (Prohibition of Export and Import)

Article 15 (1) A person must not export or import any individual, etc. of a nationally rare species of wild fauna and flora other than a specified class I nationally rare species of wild fauna and flora; provided, however, that this does not apply if the export or import is intended for the purpose of academic research involving international cooperation or is otherwise particularly necessary, and does not affect the conservation of the nationally rare species of wild fauna and flora in Japan and satisfies any other requirements prescribed by Cabinet Order.

(2) A person that intends to export or import an individual, etc. of a rare species of wild fauna and flora other than a specified class I nationally rare species of wild fauna and flora is obligated to obtain approval for the export or import pursuant to the provisions of Article 48, paragraph (3) or Article 52 of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949).

#### (Orders to Illegal Importers to Take Measures)

Article 16 (1) If a person has imported an individual, etc. of a rare species of wild fauna and flora other than a specified class I nationally rare species of

wild fauna and flora without obtaining approval pursuant to the provisions of Cabinet Order based on the provisions of Article 52 of the Foreign Exchange and Foreign Trade Act, if found necessary, the Minister of Economy, Trade and Industry may issue an order to the importer of the individual, etc. to return the individual, etc. to a facility or any other place that is designated by the minister as appropriate for the protection of the individual, etc. and that is located within the exporting country or the country of origin.

- (2) If a person has received a transfer of an individual, etc. of a rare species of wild fauna and flora other than a specified class I nationally rare species of wild fauna and flora in violation of the provisions of Article 12, paragraph (1) knowingly from a person that imported the individual, etc. without obtaining approval pursuant to the provisions of Cabinet Order based on the provisions of Article 52 of the Foreign Exchange and Foreign Trade Act, if found necessary, the Minister of the Environment and the Minister of Economy, Trade and Industry may issue an order to the transferee of the individual, etc. to return the individual, etc. to a facility or any other place that is designated by the ministers as appropriate for the protection of the individual, etc. and that is located within the exporting country or the country of origin.
- (3) If the Minister of Economy, Trade and Industry issues an order under the provisions of paragraph (1) or if the Minister of the Environment and the Minister of Economy, Trade and Industry issue an order under the provisions of the preceding paragraph, and the person subject to either order fails to return the individual, etc. as required by either order, accordingly, the Minister of Economy, Trade and Industry or the Minister of the Environment and the Minister of Economy, Trade and Industry (collectively referred to as the "Minister of Economy, Trade and Industry, etc." in Article 52) may return the individual, etc. to the facility or other place provided in the preceding two paragraphs and may charge all or part of the expenses of the return to the person.

(Prohibition of Display and Advertising)

Article 17 A person must not display or advertise any individuals, etc. of a rare species of wild fauna and flora for the purpose of selling or distributing the individuals, etc.; provided, however, that this does not apply in the following cases:

- (i) in the case of displaying or advertising individuals, etc. of a specified class I nationally rare species of wild fauna and flora; specified body parts, etc. (excluding special specified body parts, etc.); individuals, or body parts thereof, of a nationally rare species of wild fauna and flora, etc. captured or taken other actions in the case provided in item (iii) of Article 9, or processed products of these individuals or their body parts; individuals, etc. of an

internationally rare species of wild fauna and flora registered under Article 20, paragraph (1); or raw material body parts, etc. for which the advance registration certificate as defined in Article 20-4, paragraph (1) has been completed pursuant to the provisions of the main clause of the same paragraph; or in any other cases specified by Ministry of the Environment Order as being those where conducting display or advertising activity does not potentially affect the conservation of the rare species of wild fauna and flora;

- (ii) in the case of displaying or advertising special specified body parts, etc. (excluding cases where a person other than a special international species business operator conducts the display or advertising as a special international species business).

(Orders to Persons Conducting Display or Advertising to Take Measures)

Article 18 The Minister of the Environment may issue an order to any person that displays or advertises individuals, etc. of a rare species of wild fauna and flora in violation of the provisions of the preceding Article to cease the display or advertising or to take any other action necessary to secure compliance with the provisions of the same Article.

(Collection of Reports and On-Site Inspection)

Article 19 (1) To the extent necessary for the enforcement of this Act, the ministers set forth in the following items may request the persons prescribed in the respective items to report on the status of handling of the individual, etc. of the relevant rare species of wild fauna and flora and on other necessary matters, or may have ministry officials enter those persons' facilities related to the capture or other actions regarding individuals of the relevant rare species of wild fauna and flora or to the transfer, etc., import, display, or advertising of the individual, etc. of that species to inspect those persons' rearing or cultivation facilities, documents, and other articles or to ask questions of relevant persons:

- (i) the Minister of the Environment: a recipient of permission under Article 10, paragraph (1) or Article 13, paragraph (1) or a person displaying or advertising an individual, etc. of a rare species of wild fauna and flora for the purpose of selling or distributing the individual, etc.;
- (ii) the Minister of the Environment and the Minister of Economy, Trade and Industry: a person that has received a transfer of an imported individual, etc. of a rare species of wild fauna and flora other than a specified class I nationally rare species of wild fauna and flora;
- (iii) the Minister of Economy, Trade and Industry: a person that has imported an individual, etc. of a rare species of wild fauna and flora other than a

- specified class I nationally rare species of wild fauna and flora.
- (2) Officials who conduct an on-site inspection under the provisions of the preceding paragraph must carry identification and present it to the relevant persons.
  - (3) The authority under the provisions of paragraph (1) must not be construed as being granted for criminal investigation purposes.

### **Section 3 Registration of Individuals of Internationally Rare Species of Wild Fauna and Flora**

(Registration of Individuals, etc.)

- Article 20 (1) A possessor with just title of an individual, etc., or a body part thereof, of an internationally rare species of wild fauna and flora reproduced for commercial purposes, or of any other thing that is a processed product of that individual, etc. or a body part thereof and satisfies any other requirements prescribed by Cabinet Order (hereinafter referred to as "registration requirements" in this Chapter) (excluding a specified body part, etc.) may obtain registration of the individual, etc. with the Minister of the Environment.
- (2) A person wishing to obtain registration under the preceding paragraph (hereinafter referred to as a "registration" in this Section, excluding Article 20-3, paragraphs (1) and (2) and Article 23, paragraphs (1) and (2)) must file a written application giving the following information with the Minister of the Environment, pursuant to the provisions of Ministry of the Environment Order.
    - (i) name and address of the applicant (or, in the case of a corporation, its name, the name of its representative, and the location of its principal office);
    - (ii) species name of the individual, etc. intended for registration;
    - (iii) category of the individual, etc. intended for registration chosen from the following:
      - (a) an individual;
      - (b) a body part of an individual;
      - (c) a processed product of an individual;
      - (d) a processed product of a body part of an individual.
    - (iv) the measure for identifying individuals taken with respect to the individual, etc. intended for registration (limited to a measure which is intended to identify numbers assigned to individual, etc. (referred to as "individual identification number" in paragraph (4), item (iii) and in Article 21, paragraph (6)) and which are specified for each internationally rare species of wild fauna and flora by Ministry of the Environment Order; the same applies in paragraph (7), Article 21, paragraph (6) and Article 22-2), in the case of an application for registration of an individual, etc. of any of the internationally rare species of wild fauna and flora specified by Ministry of

- the Environment Order as those species specifically requiring measures for identifying individual, etc.;
- (v) beyond what is set forth in the preceding items, any information specified by Ministry of the Environment Order.
- (3) Upon effecting registration, the Minister of the Environment must issue a registration card to the applicant of the registration.
- (4) The registration card referred to in the preceding paragraph (hereinafter referred to as the "registration card" in this Section) contain the following information in the form prescribed by Ministry of the Environment Order for each of the categories set forth in paragraph (2), item (iii), (a) through (d):
- (i) species name of the registered individual, etc.;
  - (ii) form, size, and other major characteristics of the registered individual, etc.;
  - (iii) individual identification number assigned to the registered individual, etc.;
  - (iv) date of the registration;
  - (v) date of expiration of the registration, if the registration has a validity period as defined in paragraph (1) of the following Article;
  - (vi) beyond what is set forth in the preceding items, any information specified by Ministry of the Environment Order.
- (5) If the written application prescribed in paragraph (2) contains false information on important matters or omits important factual information, the Minister of the Environment must refuse the registration.
- (6) In the event of any change in the registered information set forth in paragraph (2), item (iii), the possessor with just title of the registered individual, etc. of an internationally rare species of wild fauna and flora may register that change by submitting to the Minister of the Environment the registration card for the registration pursuant to the provisions of Ministry of the Environment Order.
- (7) If a possessor with just title of a registered individual, etc. of an internationally rare species of wild fauna and flora has changed the registered measures for identifying the individuals set forth in paragraph (2), item (iv), the possessor must register that change by submitting to the Minister of the Environment the registration card for the registration pursuant to the provisions of Ministry of the Environment Order.
- (8) Upon effecting registration of a change pursuant to either of the preceding two paragraphs, the Minister of the Environment must issue to the applicant of the registration a registration card with the relevant changes.
- (9) In the event of any change in the information set forth in paragraph (4), item (ii) contained in the registration card, the possessor with just title of the registered individual, etc. of an internationally rare species of wild fauna and flora may have the registration card rewritten and reissued to the possessor by submitting the registration card to the Minister of the Environment pursuant



to the provisions of Ministry of the Environment Order.

- (10) In the event of loss or destruction of the registration card for a registered individual, etc. of an internationally rare species of wild fauna and flora, the possessor with just title of the individual, etc. may have the registration card reissued by filing an application to the Minister of the Environment pursuant to the provisions of Ministry of the Environment Order.
- (11) In the event of any change in the information set forth in paragraph (2), item (i), the possessor with just title of the registered individual, etc. of an internationally rare species of wild fauna and flora must notify the Minister of the Environment of that change no later than the day on which thirty days have passed since the date on which the change occurred.
- (12) The provisions of Article 12, paragraph (2) apply mutatis mutandis to the enactment, revision, or abolition of Ministry of the Environment Order referred to in paragraph (2).

#### (Renewal of Registration)

- Article 20-2 (1) Registration of an individual, etc. which are among those specified by Ministry of the Environment Order as requiring periodic checks of the status of individual, etc. expire upon the expiration of a period of no more than five years prescribed by Ministry of the Environment Order (referred to as the "validity period" in paragraphs (3) and (4)) unless the registration is renewed by submitting the registration card for the registration to the Minister of the Environment at intervals of the period.
- (2) The provisions of paragraphs (2) through (5) of the preceding Article apply mutatis mutandis to a renewal of registration under the preceding paragraph.
  - (3) If an application for renewal has been filed under paragraph (1) and if no disposition is rendered in response to the application on or before the date of expiration of the validity period of the registration, then the existing registration remains valid after the expiration of its validity period until a disposition is rendered.
  - (4) In the case referred to in the preceding paragraph, if the registration is renewed, the validity period of the renewed registration is to commence on the day immediately following the date of expiration of the validity period of the former registration.

#### (Advance Registration of Raw Material Body Parts)

- Article 20-3 (1) A person that intends to transfer or deliver raw material body parts, etc. (excluding specified body parts, etc.) that satisfy the registration requirements in a number per year exceeding the number specified by Cabinet Order may register in advance with the Minister of the Environment the types, number, and intended sources of the raw material body parts, etc. intended to

be transferred or delivered, and any other information specified by Ministry of the Environment Order; provided, however, that this does not apply to any person that falls under either of the following items:

- (i) a person who has been sentenced to punishment for committing an offense prescribed in this Act and for which two years have not yet elapsed since the day on which the person served out the sentence or ceased to be subject to the sentence;
  - (ii) a person for which two years have not yet elapsed since the day on which the person received an order to return advance registration certificates under the provisions of paragraph (6) of the following Article.
- (2) A person wishing to obtain registration under the preceding paragraph (hereinafter referred to as an "advance registration" in this Section) must file with the Minister of the Environment an application for an advance registration pursuant to the provisions of Ministry of the Environment Order.
- (3) Upon effecting an advance registration, the Minister of the Environment must issue to the applicant of the advance registration such number of advance registration certificates as corresponds to the number of raw material body parts, etc. covered by the advance registration, pursuant to the provisions of Ministry of the Environment Order.
- (4) The provisions of Article 20, paragraph (12) apply mutatis mutandis to the enactment, revision or abolition of Ministry of the Environment Order referred to in paragraph (2).

(Rules to Be Complied with by Advance Registrants)

- Article 20-4 (1) If an advance registrant intends to transfer or deliver raw material body parts, etc. conforming to the information contained in the advance registration, the advance registrant must complete an advance registration certificate referred to in paragraph (3) of the preceding Article (hereinafter referred to as the "advance registration certificate" in this Section and Article 59, item (ii)) for each of the raw material body parts, etc. to be transferred or delivered and must attach the completed advance registration certificate to each of these raw material body parts, etc. pursuant to the provisions of Ministry of the Environment Order; provided, however, that the advance registrant must not complete the advance registration certificate on or after the day on which one year has elapsed since the date of the advance registration.
- (2) At three months' intervals, an advance registrant must make a report to the Minister of the Environment on necessary information concerning the raw material body parts, etc. covered by the advance registration that were transferred or delivered during the preceding three-month period, pursuant to the provisions of Ministry of the Environment Order.

- (3) After the lapse of a period of one year from the date of advance registration, an advance registrant must return to the Minister of the Environment any advance registration certificates that have not been completed pursuant to the provisions of the main clause of paragraph (1) during that period, pursuant to the provisions of Ministry of the Environment Order.
- (4) If an advance registrant completes an advance registration certificate as defined in the main clause of paragraph (1) for any raw material body part, etc. other than a raw material body part, etc. conforming to the information contained in the advance registration or by including false information, or violates any of the provisions of paragraphs (1) through (4) of the following Article or Article 22, paragraph (1) with regard to any raw material body part, etc. covered by the advance registration or with regard to any advance registration certificate, if found necessary, the Minister of the Environment may prohibit the advance registrant from completing any advance registration certificate pursuant to the provisions of the main clause of paragraph (1) for a period not exceeding three months specified by the Minister of the Environment.
- (5) If an advance registrant falls under item (i) of paragraph (1) of the preceding Article, the Minister of the Environment must order the advance registrant to return the advance registration certificates for the advance registration.
- (6) If an advance registrant violates an order issued under the provisions of paragraph (4) if found necessary, the Minister of the Environment may order the advance registrant to return the advance registration certificates for the advance registration with respect to which the order was issued.
- (7) To the extent necessary for the enforcement of the provisions of this Article, the Minister of the Environment may request an advance registrant to make a necessary report.

(Management of Registered Individuals and Registration Cards)

Article 21 (1) While on display for the purpose of sale or distribution, an individual, etc. of an internationally rare species of wild fauna and flora covered by registration or advance registration (hereinafter collectively referred to as "registration, etc." in this Chapter) must be accompanied by the registration card for the individual, etc. or by the advance registration certificate for the individual, etc. completed pursuant to the provisions of the main clause of paragraph (1) of the preceding Article (hereinafter collectively referred to as a "registration card, etc." in this Chapter); provided, however, that if an application has been filed for registration of a change under Article 20, paragraph (6) or (7), or for rewriting and reissue of the registration card under paragraph (9) of the same Article, or for renewal of the registration under Article 20-2, paragraph (1), it suffices that the individual, etc. be

accompanied by a copy of the registration card for the individual, etc. until the disposition so applied for is rendered.

- (2) Any advertisement of an individual, etc. of an internationally rare species of wild fauna and flora covered by registration, etc. run for the purpose of selling or distributing the individual, etc. must represent the fact that the individual, etc. is covered by the registration, etc. as well as any other information specified by Ministry of the Environment Order.
- (3) A transfer, etc. of an individual, etc. of an internationally rare species of wild fauna and flora covered by registration, etc. must be accompanied by a transfer of the registration card, etc. for the individual, etc.
- (4) No transfer, etc. of a registration card, etc. is allowed unless the transfer, etc. accompanies a transfer of the individual, etc. of an internationally rare species of wild fauna and flora covered by the registration card, etc.
- (5) A person that has received a transfer or delivery of an individual, etc. of an internationally rare species of wild fauna and flora covered by registration, etc. (excluding a person that has received from an advance registrant a transfer or delivery of a raw material body part, etc. covered by the advance registration together with the advance registration certificate for the raw material body part, etc. that has been completed pursuant to the provisions of the main clause of paragraph (1) of the preceding Article) must notify the Minister of the Environment of the transfer or delivery no later than the day on which thirty days (or, in the case of a person that has received a transfer or delivery of a raw material body part, etc. covered by an advance registration, three months) have elapsed since the date of the transfer or delivery, pursuant to the provisions of Ministry of the Environment Order.
- (6) A person handling a registered individual, etc. of an internationally rare species of fauna and flora for which a measure for identifying individuals has been taken must handle the individual in a manner which allows the identification of its individual identification number.

#### (Return of Registration Cards)

Article 22 (1) If a registration card, etc. fall under any of the following cases, the registration card, etc. (in the case set forth in item (iii), the recovered registration card) must be returned to the Minister of the Environment no later than the day on which thirty days have elapsed since the date of the relevant event in the case of a registration card or no later than the day on which three months have elapsed since the same date in the case of an advance registration certificate:

- (i) if the individual, etc. of an international rare species of wild fauna and flora covered by the registration card, etc. is no longer in the possession of the registrant (excluding cases where the individual, etc. has been transferred or

- delivered together with the registration card, etc.);
- (ii) if the registered information set forth in Article 20, paragraph (2), item (iii) has changed (excluding cases where an application for registration of the change has been filed under paragraph (6) of the same Article);
  - (iii) if a lost registration card is recovered after a registration card has been reissued under Article 20, paragraph (10);
  - (iv) if the registration has a validity period as defined in Article 20-2, paragraph (1) and if the validity period of the registration has expired.
- (2) The provisions of Article 20, paragraph (10) apply mutatis mutandis in cases where a registration card was returned to the Minister of the Environment under item (i) of the preceding paragraph due to loss of the registered individual, etc. of an international rare species of wild fauna and flora caused by theft or for any other reason and where the individual, etc. are subsequently recovered.
- (3) If the possessor of a registration card which should be returned wishes to keep the possession thereof, the Minister of the Environment may mark the registration card as cancelled upon receipt of the returned registration card and return the cancelled registration card to the possessor thereof pursuant to the provisions of Ministry of the Environment Order.

#### (Cancellation of Registration)

Article 22-2 The Minister of the Environment may cancel registration, etc. if: it is found that by deception or other wrongful means, that registration etc. have been obtained, a change has been registered under Article 20, paragraph (6) or (7), a registration card has been rewritten and reissued under paragraph (9) of the same Article, a registration card has been reissued under paragraph (10) of the same Article (including as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article) or registration has been renewed under Article 20-2, paragraph (1); the possessor with just title of the registered individual, etc. of an international rare species of wild fauna and flora has violated the provisions of Article 20, paragraph (7); or the minister finds that the registered individual, etc. of an international rare species of wild fauna and flora for which measures for identifying individuals have been taken has been handled by the possessor in violation of the provisions of Article 21, paragraph (6).

#### (Individual, etc. Registration Organization)

Article 23 (1) If any person has been registered with the Minister of the Environment to conduct the minister's affairs prescribed in Articles 20 through 22 (excluding Article 20-4, paragraphs (4) through (7); the same applies in paragraph (7)) (hereinafter referred to as "individual, etc. registration-related

affairs") that are related to the individual, etc. specified by Ministry of the Environment Order (that person is hereinafter referred to as an "individual, etc. registration organization"), the Minister of the Environment is to have the individual, etc. registration organization perform those affairs pursuant to the provisions of Ministry of the Environment Order.

(2) The registration referred to in the preceding paragraph (hereinafter referred to as an "organization registration" in this Section) is conducted in response to an application by a person intending to conduct the individual, etc. registration-related affairs.

(3) No person that falls under any of the following items may obtain an organization registration:

(i) a person who has been sentenced to punishment for committing an offense prescribed in this Act and for whom two years have not yet elapsed since the day on which the person served out the sentence or ceased to be subject to the sentence;

(ii) a person whose organization registration was cancelled under Article 26, paragraph (4) or (5) and for whom two years have not yet elapsed since the date of the cancellation;

(iii) a corporation for which any of its officers conducting its business operations fall under either of the preceding two items.

(4) If a person that has applied for an organization registration (hereinafter referred to as an "organization registration applicant" in this paragraph) conforms to all of the following items, the Minister of the Environment must effect an organization registration of the person. In this case, the procedures necessary for an organization registration are prescribed by Ministry of the Environment Order:

(i) the individual, etc. registration-related affairs are conducted by two or more persons who are set forth in (a) below and have the foreign language skills necessary to conduct the individual, etc. registration-related affairs and two or more persons who are set forth in (b) below and have those skills;

(a) persons who graduated from a university or technical college under the School Education Act (Act No. 26 of 1947) after completing a course in biology or any other discipline required for the taxonomy of fauna and flora (including persons who completed an associate's course in any of these disciplines at a professional university under the same act) or persons who have an academic ability equivalent or higher than the persons described above and who have a total of three years or more of practical experience in the taxonomy of fauna and flora;

(b) persons who graduated from a university or technical college under the School Education Act after completing a course in agriculture or any other discipline required for the reproduction of fauna and flora (including

- persons who completed an associate's course in any of these disciplines at a professional university under the same act) or persons who have an academic ability equivalent or higher than the persons described above and who have a total of three years or more of practical experience in the reproduction of fauna and flora;
- (ii) the organization registration applicant falls under neither of the following:
    - (a) if the organization registration applicant is a stock company, its parent corporation (meaning the "parent corporation" as defined in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005); the same applies hereinafter) is a person engaging in the business of transfer, etc. of fauna and flora or displaying or advertising them (referred to as a "fauna and flora transfer business operator or equivalent" in (b));
    - (b) any of the officers or employees of the organization registration applicant is an officer or employee of a fauna and flora transfer business operator, etc. (including a person that has been an officer or employee of the fauna and flora transfer business operator, etc. within the past two years).
  - (5) An organization registration is to be conducted by entering the following information in the individual, etc. registration organization registry:
    - (i) date and number of the organization registration;
    - (ii) name and address of the person that obtained the organization registration (or, in the case of a corporation, its name, the name of its representative, and the location of its principal office);
    - (iii) beyond what is set forth in the preceding two items, any information specified by Ministry of the Environment Order.
  - (6) If an organization registration is conducted, the Minister of the Environment is not to conduct individual, etc. registration-related affairs for individual, etc. covered by the organization registration.
  - (7) In the application of the provisions of Articles 20 through 22 in the case where an individual, etc. registration organization conducts individual, etc. registration-related affairs, the term "Minister of the Environment" in Article 20, paragraph (1) is deemed to be replaced with "individual, etc. registration organization (meaning the individual, etc. registration organization as defined in Article 23, paragraph (1); the same applies hereinafter in this Article through Article 22)" and the term "Minister of the Environment" in Article 20, paragraphs (2) through (11) (excluding paragraph (4)), Article 20-2, paragraph (1), Article 20-3, paragraphs (1) through (3), Article 20-4 (excluding paragraph (1)), Article 21, paragraph (5), and Article 22 is deemed to be replaced with "individual, etc. registration organization".

(Rules to Be Complied with by an Individual, etc. Registration Organization)  
 Article 24 (1) If requested to conduct individual, etc. registration-related affairs,

an individual, etc. registration organization must do so without delay unless there are legitimate grounds not to do so.

- (2) An individual, etc. registration organization must conduct individual, etc. registration-related affairs fairly and through the procedures specified by Ministry of the Environment Order.
- (3) If an individual, etc. registration organization intends to make changes to the information set forth in item (ii) or (iii) of paragraph (5) of the preceding Article, the individual, etc. registration organization must notify the Minister of the Environment of the changes at least two weeks prior to the intended date of change; provided, however, that this does not apply to changes to minor information specified by Ministry of the Environment Order.
- (4) If an individual, etc. registration organization makes changes to the information referred to in the proviso of the preceding paragraph, the organization must notify the Minister of the Environment of the changes without delay.
- (5) Prior to commencing its individual, etc. registration-related affairs, an individual, etc. registration organization must establish rules for conducting its individual, etc. registration-related affairs and must obtain the authorization of the Minister of the Environment, pursuant to the provisions of Ministry of the Environment Order. The same applies when the individual, etc. registration organization intends to amend those rules.
- (6) Within three months after the end of each business year, an individual, etc. registration organization must prepare an inventory of assets, a balance sheet, a profit and loss or income and expenditure statement, and a business report (including electromagnetic records (meaning records which are made in electronic, magnetic, or any other form not recognizable to human perception and which are used in information processing by computers; the same applies hereinafter) of these documents if electromagnetic records are kept in lieu of hard copies; hereinafter collectively referred to as "financial statements, etc.") for that business year, and must maintain the financial statements, etc. for five years at its place of business.
- (7) A person wishing to obtain registration, etc. or any other interested person may make the following requests at any time during the office hours of the individual, etc. registration organization; provided, however, that a request under item (ii) or (iv) is subject to payment of the fee prescribed by the individual, etc. registration organization:
  - (i) if the financial statements, etc. have been prepared in written form, a request for inspection or copying of the written statements;
  - (ii) a request for a transcript of or extract from the written statements referred to in the preceding item;
  - (iii) if the financial statements, etc. have been prepared in the form of



- electromagnetic record, a request for inspection or copying of the information recorded in the electromagnetic records displayed by the means specified by Ministry of the Environment Order;
- (iv) a request that information recorded in the electromagnetic records referred to in the preceding item be provided by an electromagnetic means specified by Ministry of the Environment Order, or a request for delivery of documents containing that information.
- (8) Pursuant to the provisions of Ministry of the Environment Order, an individual, etc. registration organization must keep books, must enter in the books such information on its individual, etc. registration-related affairs as is specified by Ministry of the Environment Order, and must maintain these books.
- (9) An individual, etc. registration organization must not suspend or discontinue all or part of its individual, etc. registration-related affairs without the permission of the Minister of the Environment.
- (10) The Minister of the Environment is to conduct all or part of the individual, etc. registration-related affairs of an individual, etc. registration organization: if the individual, etc. registration organization has suspended all or part of its individual, etc. registration-related affairs with permission under the preceding paragraph; or if the Minister of the Environment has ordered the individual, etc. registration organization to suspend all or part of its individual, etc. registration-related affairs under the provisions of Article 26, paragraph (5); or if it has become difficult for the individual, etc. registration organization to conduct all or part of its individual, etc. registration-related affairs due to a natural disaster or for any other reason and if the Minister of the Environment finds it to be necessary to conduct all or part of the individual, etc. registration-related affairs.
- (11) If the Minister of the Environment conducts all or part of the registration-related affairs under the provisions of the preceding paragraph, or if an individual, etc. registration organization discontinues all or part of its individual, etc. registration-related affairs with permission under paragraph (9), or if the Minister of the Environment has cancelled an organization registration under the provisions of Article 26, paragraph (4) or (5), the handover of the relevant individual, etc. registration-related affairs and other necessary matters are to be specified by Ministry of the Environment Order.

(Obligation of Confidentiality)

- Article 25 (1) Current and former officers and employees of an individual, etc. registration organization must not divulge any secrets obtained in connection with the individual, etc. registration organization's individual, etc. registration-related affairs.

(2) In the application of the Penal Code (Act No. 45 of 1907) and any other penal provisions, officers and employees of an individual, etc. registration organization who engage in individual, etc. registration-related affairs are deemed to be personnel engaged in public service pursuant to laws and regulations.

(Orders to an Individual, etc. registration organization to Conform)

Article 26 (1) If the Minister of the Environment finds that an individual, etc. registration organization no longer conforms to either of the items of paragraph (4) of Article 23, the minister may order the individual, etc. registration organization to take measures necessary to conform to the relevant provisions.

(2) If the Minister of the Environment finds that an individual, etc. registration organization is in violation of the provisions of Article 24, paragraph (1) or (2), the minister may order the individual, etc. registration organization to conduct individual, etc. registration-related affairs or to take measures necessary to improve the procedures for its individual, etc. registration-related affairs.

(3) If the Minister of the Environment finds that any rules established by an individual, etc. registration organization under Article 24, paragraph (4) have become inappropriate for the fair conduct of its individual, etc. registration-related affairs, the minister may order the individual, etc. registration organization to amend those rules.

(4) If an individual, etc. registration organization falls under Article 23, paragraph (3), item (i) or (iii), the Minister of the Environment must cancel its organization registration.

(5) If an individual, etc. registration organization falls under any of the following items, the Minister of the Environment may cancel its organization registration or order the individual, etc. registration organization to suspend all or part of its individual, etc. registration-related affairs for a period specified by the minister:

(i) if the individual, etc. registration organization has violated any of the provisions of Article 24, paragraphs (3) through (6), (8) or (9);

(ii) if the individual, etc. registration organization has conducted individual, etc. registration-related affairs without compliance with its rules established under Article 24, paragraph (5);

(iii) if the individual, etc. registration organization has refused a request made under the provisions of the items of paragraph (7) of Article 24 without legitimate grounds;

(iv) if the individual, etc. registration organization has violated an order issued under any of the provisions of paragraphs (1) through (3);

(v) if the individual, etc. registration organization has obtained its organization

registration by wrongful means.

(Collection of Reports and On-Site Inspection)

Article 27 (1) To the extent necessary for the enforcement of the provisions of this Section, the Minister of the Environment may request an individual, etc. registration organization to report on its individual, etc. registration-related affairs, or may have ministry officials enter the individual, etc. registration organization's offices to inspect the individual, etc. registration organization's books, documents, and other necessary articles or to ask questions of relevant persons.

(2) Officials who conduct an on-site inspection under the provisions of the preceding paragraph must carry identification and present it to the relevant persons.

(3) The authority under the provisions of paragraph (1) must not be construed as being granted for criminal investigation purposes.

(Request for Administrative Review of a Disposition Rendered by an Individual, etc. Registration Organization)

Article 28 Any person dissatisfied with a disposition or inaction related to individual, etc. registration-related affairs conducted by an individual, etc. registration organization may file a request for administrative review with the Minister of the Environment. In this case, the Minister of the Environment is deemed to be a higher administrative authority of the individual, etc. registration organization in the application of the provisions of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), Article 47, and Article 49, paragraph (3) of the Administrative Appeal Act (Act No. 68 of 2014).

(Public Notice)

Article 28-2 In the following cases, the Minister of the Environment must give public notice to that effect in the official gazette:

(i) if the minister has conducted an organization registration;

(ii) if the minister has received a notification pursuant to the provisions of Article 24, paragraph (3);

(iii) if the minister has granted permission under the provisions of Article 24, paragraph (9);

(iv) if the minister has decided to conduct all or part of the individual, etc. registration-related affairs under the provisions of Article 24, paragraph (10) or to no longer conduct all or part of the individual, etc. registration-related affairs that have been conducted by the minister;

(v) if the minister has canceled an organization registration under the provisions of Article 26, paragraph (4) or (5) or has ordered an individual, etc.

registration organization to suspend all or part of its individual, etc. registration-related affairs under the provisions of paragraph (5) of the same Article.

(Fees)

Article 29 (1) The following persons must pay to the State (or, if the relevant individual, etc. registration-related affair is conducted by an individual, etc. registration organization, the individual, etc. registration organization) a fee in the amount specified by Cabinet Order in view of the actual cost:

(i) a person wishing to obtain registration, etc.;

(ii) a person wishing to register a change pursuant to Article 20, paragraph (6) or (7) or to have a registration card rewritten and reissued under paragraph (9) of the same Article;

(iii) a person wishing to have a registration card reissued;

(iv) a person wishing to renew registration under Article 20-2, paragraph (1).

(2) A fee paid to an individual, etc. registration organization under the provisions of the preceding paragraph is treated as income of the individual, etc. registration organization.

## **Section 4 Regulations on Specified National Species Businesses and Specified International Species Businesses**

### **Subsection 1 Regulations on Specified National Species Businesses**

(Notification of a Specified National Species Business)

Article 30 (1) A person that intends to engage in a business involving services of transferring or delivering individual, etc. of a specified class I nationally rare species of wild fauna and flora (hereinafter referred to as a "specified national species business" in this Section and Article 62, item (i)) (excluding the person prescribed in the following paragraph) must notify the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries of the following information in advance:

(i) name of the person and, in the case of a corporation, the name of its representative;

(ii) name and location of the facility for performing the services of transferring or delivering individual, etc. of a specified class I nationally rare species of wild fauna and flora;

(iii) the specified class I nationally rare species of wild fauna and flora to be transferred or delivered in the services;

(iv) beyond what is set forth in the preceding three items, any information specified by either Ministry of the Environment Order or Ministry of Agriculture, Forestry and Fisheries Order or both.

- (2) A person that intends to engage in a specified national species business involving a processed product must notify the Minister of the Environment and the minister specified by Cabinet Order according to the type of the processed product (hereinafter referred to as the "specified national species-related minister" in this Section) of the following information in advance:
- (i) the information set forth in items (i) through (iii) of the preceding paragraph;
  - (ii) beyond what is set forth in the preceding item, any information specified by order issued by the Minister of the Environment and the specified national species-related minister.
- (3) Upon receipt of a notification under the provisions of paragraph (1), the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries must notify the person who made the notification of the number assigned to the notification and must publicize the name and address of the person who made the notification, as well as that number and any other information specified by Ministry of the Environment Order and Ministry of Agriculture, Forestry and Fisheries Order, pursuant to the provisions of Ministry of the Environment Order and Ministry of Agriculture, Forestry and Fisheries Order.
- (4) If any of the information relevant to a notification made under the provisions of paragraph (1) has changed or if the person that made the notification has discontinued the specified national species business, that person must notify the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries thereof no later than the day on which thirty days have elapsed since the date of the change or discontinuation.
- (5) Beyond what is provided for in paragraph (1) and the preceding paragraph, either Ministry of the Environment Order or Ministry of Agriculture, Forestry and Fisheries Order or both prescribe necessary matters concerning notifications to be made under the provisions of these paragraphs.
- (6) The provisions of paragraph (3) and the preceding paragraph apply *mutatis mutandis* to a notification made under the provisions of paragraph (2), and the provisions of paragraph (4) apply *mutatis mutandis* to a person that made a notification under the provisions of paragraph (2). In this case, the phrase "Minister of Agriculture, Forestry and Fisheries" in paragraph (3) is deemed to be replaced with "specified national species-related minister," the phrase "either Ministry of the Environment Order or Ministry of Agriculture, Forestry and Fisheries Order or both" in the same paragraph is deemed to be replaced with "order issued by the Minister of the Environment and the specified national species-related minister," the phrase "Minister of Agriculture, Forestry and Fisheries" in paragraph (4) is deemed to be replaced with "specified national species-related minister," and the phrase "Ministry of the

Environment Order and Ministry of Agriculture, Forestry and Fisheries Order" in the preceding paragraph is deemed to be replaced with "order issued by the Minister of the Environment and the specified national species-related minister".

(Rules to Be Complied with by a Person Conducting a Specified National Species Business)

- Article 31 (1) If a person that has made notification under the provisions of paragraph (1) of the preceding Article and engages in a specified national species business receives a transfer or delivery of an individual, etc. of a specified class I nationally rare species of wild fauna and flora in connection with the specific national species business, the person must confirm the name and address of the transferor or deliverer of the individual, etc. and, if the transferor or deliverer is a corporation, the name of its representative, and must collect the following information from the transferor or the deliverer:
- (i) whether the individual, etc. is a reproduced individual or a body part thereof or a processed product of a reproduced individual or a body part thereof (referred to as a "reproduced individual, etc." in the following item), or instead is a caught or collected individual or a body part thereof or a reproduced product of a caught or collected individual or a body part thereof (referred to as a "caught or collected individual, etc." in item (iii)), on the other hand;
  - (ii) if the individual, etc. is a reproduced individual, etc., the name and address of the person that reproduced the individual and, if the person is a corporation, the name of its representative;
  - (iii) if the individual, etc. is a caught or collected individual, etc., the place where the individual was caught or collected and the name and address of the person that caught or collected the individual.
- (2) A person that has made notification under the provisions of paragraph (1) of the preceding Article and engages in a specified national species business must document and maintain the information confirmed or collected pursuant to the provisions of the preceding paragraph as well as other information on transfer, etc. of individual, etc. of specified class I nationally rare species of wild fauna and flora, pursuant to the provisions of either Ministry of the Environment Order or Ministry of Agriculture, Forestry and Fisheries Order or both.
- (3) If a person that made notification under the provisions of paragraph (1) of the preceding Article and engages in a specified national species business displays or advertises individual, etc. of specified class I nationally rare species of wild fauna and flora in connection with the specified national species business, the person must display the number assigned to that notification notified to the person under the provisions of paragraph (3) of the same Article and any other

information specified by either Ministry of the Environment Order and Ministry of Agriculture, Forestry and Fisheries Order or both, pursuant to the provisions of Ministry of the Environment Order or Ministry of Agriculture, Forestry and Fisheries Order or both.

- (4) The provisions of the preceding three paragraphs apply mutatis mutandis to a person that has made notification under the provisions of paragraph (2) of the preceding Article and engages in a specified national species business. In this case, the phrase "either Ministry of the Environment Order or Ministry of Agriculture, Forestry and Fisheries Order or both" in the preceding two paragraphs is deemed to be replaced with "order issued by the Minister of the Environment and the specified national species-related minister".

(Instructions to a Person Engaging in a Specified National Species Business)

Article 32 (1) If a person that made notification under the provisions of Article 30, paragraph (1) and engages in a specified national species business violates any of the provisions of paragraphs (1) through (3) of the preceding Article and if the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries find it to be necessary to give instructions to the person on matters necessary to ensure the person's compliance with the violated provisions in order to contribute to the conservation of rare species of wild fauna and flora by improving the person's specified national species business, then the ministers may give those instructions to the person.

- (2) If a person that made notification under the provisions of Article 30, paragraph (1) and engages in a specified national species business violates the instructions referred to in the preceding paragraph and if the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries find that after improvement the person's specified national species business exerts an effect that hinders contribution to the conservation of rare species of wild fauna and flora, the ministers may order the person to suspend all or part of the services of transferring or delivering individual, etc. of a specified class I nationally rare species of wild fauna and flora in the specified national species business, for a period not exceeding three months specified by the ministers,.

- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to a person that made notification under the provisions of Article 30, paragraph (2) and engages in a specified national species business. In this case, the phrase "Minister of Agriculture, Forestry and Fisheries" in the preceding two paragraphs is deemed to be replaced with "specified national species-related minister" and the phrase "paragraphs (1) through (3) of the preceding Article" in paragraph (1) is deemed to be replaced with "paragraphs (1) through (3) of the same Article as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article".

(Collection of Reports and On-Site Inspection)

- Article 33 (1) To the extent necessary to enforce the provisions of this Section, the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries may request a person that made notification under the provisions of Article 30, paragraph (1) and engages in a specified national species business to report on the person's specified national species business, or may have ministry officials enter the facilities for conducting the specified national species business to inspect documents and other articles or to ask questions of relevant persons.
- (2) The provisions of the preceding paragraph apply mutatis mutandis to a person that has made notification under the provisions of Article 30, paragraph (2) and engages in a specified national species business. In this case, the phrase "Minister of Agriculture, Forestry and Fisheries" in the preceding paragraph is deemed to be replaced with "specified national species-related minister".
- (3) Officials who conduct an on-site inspection under the provisions of paragraph (1) (including as applied mutatis mutandis pursuant the preceding paragraph; the same applies in the following paragraph) must carry identification and present it to the relevant persons.
- (4) The authority under the provisions of paragraph (1) must not be construed as being granted for criminal investigation purposes.

**Subsection 2 Regulations on Specified International Species Businesses**

(Notification of a Specified International Species Business)

- Article 33-2 A person that intends to engage in a business involving services of transferring or delivering specified body parts, etc. which are specified by Cabinet Order in view of the modes of their transactions, etc. (excluding special specified body parts, etc. prescribed in Article 33-6, paragraph (1); the same applies hereinafter in this Article through Article 33-4) and satisfy the requirements in terms of form, size, and other matters prescribed by Cabinet Order according to the type of the specified body parts, etc. (hereinafter referred to as a "specified international species business" in this Chapter and Article 62, item (i)) must notify the Minister of the Environment and the minister specified by Cabinet Order according to the type of the specified body part, etc. (hereinafter referred to as the "specified international species-related minister" in this Chapter) of the following information in advance:
- (i) name of the person and, in the case of a corporation, the name of its representative;



- (ii) name and location of the facility for performing the services of transferring or delivering specified body parts, etc.;
- (iii) types of specified body parts, etc. to be transferred or delivered in the services;
- (iv) beyond what is set forth in the preceding three items, any information specified by order issued by the Minister of the Environment and the specified international species-related minister.

(Rules to Be Complied with by a Specified International Species Business Operator)

Article 33-3 (1) If a person (hereinafter referred to as the "specified international species business operator") that made notification under the provisions of the preceding Article and engages in a specified international species business receives a transfer or delivery of specified body parts, etc. in connection with the specific international species business, the person must confirm the name and address of the transferor or deliverer of the specified body parts, etc. and, if the transferor or deliverer is a corporation, the name of its representative, and if the specified body parts, etc. are not accompanied by a manifest as specified in Article 33-23, paragraph (2), the person must collect from the transferor or deliverer information on the source of the specified body parts, etc.

(2) A specified international species business operator must document and maintain the information confirmed or collected pursuant to the provisions of the preceding paragraph and other information on the transfer, etc. of specified body parts, etc., pursuant to the provisions of order issued by the Minister of the Environment and the specified international species-related minister.

(Instructions to a Specified International Species Business Operator)

Article 33-4 (1) If a specified international species business operator violates the provisions of the preceding Article or the provisions of Article 31, paragraph (3) as applied mutatis mutandis pursuant to the following Article and if the Minister of the Environment and the specified international species-related minister find it to be necessary to give instructions to the person on matters necessary to ensure the person's compliance with the violated provisions in order to contribute to the conservation of rare species of wild fauna and flora by improving the person's specified international species business, then the Minister of the Environment and the specified international species-related minister may give those instructions to the person.

(2) If a specified international species business operator violates the instructions referred to in the preceding paragraph and if the Minister of the Environment and the specified international species-related minister find that after

improvement the person's specified national species business exerts an effect that hinders contribution to the conservation of rare species of wild fauna and flora, then the ministers may order the business operator to suspend all or part of the services of transferring or delivering specified body parts, etc. in the specified national species business, for a period not exceeding three months specified by the ministers.

(Application Mutatis Mutandis)

Article 33-5 The provisions of Article 30, paragraphs (3) and (5) apply mutatis mutandis to any notification made under the provisions of Article 33-2, the provisions of Article 30, paragraph (4) and Article 31, paragraph (3) apply mutatis mutandis to any person that made notification under the provisions of Article 33-2, and the provisions of Article 33, paragraphs (1), (3), and (4) apply mutatis mutandis to any specified international species business. In this case, the phrase "Minister of Agriculture, Forestry and Fisheries" in Article 30, paragraph (3) is deemed to be replaced with "specified international species-related minister (meaning the specified international species-related minister as defined in Article 33-2; the same applies hereinafter in this paragraph through paragraph (5), paragraph (3) of the following Article, and Article 33, paragraph (1))," the phrase "either Ministry of the Environment Order or Ministry of Agriculture, Forestry and Fisheries Order or both" in Article 30, paragraph (3) is deemed to be replaced with "order issued by the Minister of the Environment and the specified international species-related minister," the phrase "specified national species business" in Article 30, paragraph (4) is deemed to be replaced with "specified international species business (meaning a specified international species business prescribed in Article 33-2; the same applies in paragraph (3) of the following Article)," the phrase "Minister of Agriculture, Forestry and Fisheries" in Article 30, paragraph (4) is deemed to be replaced with "specified international species-related minister," the phrase "either Ministry of the Environment Order and or Ministry of Agriculture, Forestry and Fisheries Order or both" in Article 30, paragraph (5) is deemed to be replaced with "order issued by the Minister of the Environment and the specified international species-related minister," the phrase "specified national species business" in Article 31, paragraph (3) is deemed to be replaced with "specified international species business," the phrase "individual, etc. of specified class I nationally rare species of wild fauna and flora" in the same paragraph is deemed to be replaced with "specified body parts, etc. (excluding special specified body parts, etc. prescribed in Article 33-6, paragraph (1)) satisfying the requirements prescribed by Cabinet Order under Article 33-2," the phrase "either Ministry of the Environment Order or Ministry of Agriculture, Forestry and Fisheries Order or both" in Article 31, paragraph (3)

is deemed to be replaced with "order issued by the Minister of the Environment and the specified international species-related minister," and the phrase "Minister of Agriculture, Forestry and Fisheries" in Article 33, paragraph (1) is deemed to be replaced with "specified international species-related minister".

(Registration of a Special International Species Business Operator)

- Article 33-6 (1) A person that intends to engage in a business involving services of transferring or delivering specified body parts, etc. which are specified by Cabinet Order as particularly requiring management of their transfer, etc. and which satisfy the requirements in terms of form, size, and other matters specified by Cabinet Order according to the type of the specified body parts, etc. (hereinafter referred to as a "special specified body parts, etc." in this Chapter) (hereinafter referred to as a "special international species business" in this Chapter) must obtain registration with the Minister of the Environment and the minister specified by Cabinet Order according to the type of the special specified body parts, etc. (hereinafter referred to as the "special international species-related minister" in this Chapter).
- (2) A person wishing to obtain registration under the preceding paragraph must file a written application giving the following information with the Minister of the Environment and the special international species-related minister, pursuant to the provisions of order issued by the Minister of the Environment and the special international species-related minister.
- (i) name of the person and, in the case of a corporation, the name of its representative;
  - (ii) name and location of the facility for performing the services of transferring or delivering special specified body parts, etc.;
  - (iii) type of special specified body parts, etc. to be transferred or delivered in the services;
  - (iv) beyond what is set forth in the preceding three items, any information specified by order issued by the Minister of the Environment and the special international species-related minister.
- (3) The written application prescribed in the preceding paragraph must be accompanied by documents certifying that all of the raw material body parts, etc. which are in the actual possession of the person wishing to obtain registration under paragraph (1) and which do not constitute specified body parts, etc. and which are specified by order issued by the Minister of the Environment and the special international species-related minister are covered by registration obtained under Article 20, paragraph (1), registration renewed under Article 20-2, paragraph (1) or an advance registration obtained under Article 20-3, paragraph (1).
- (4) Upon receipt of a written application filed under paragraph (2), the Minister

of the Environment and the special international species-related minister must register the information set forth in the items of paragraph (2) as well as the date of registration and the registration number with the special international species business operator registry.

- (5) Upon effecting registration pursuant to the provisions of the preceding paragraph, the Minister of the Environment and the special international species-related minister must notify the applicant of the completion of the registration and the registration number the without delay.
- (6) If the applicant of an application filed under paragraph (2) falls under any of the following items or if the written application or any of its accompanying documents provided in paragraph (3) contains false information on important matters or omits important factual information, the Minister of the Environment and the special international species-related minister must refuse the registration:
- (i) a person who has become subject to an order commencing bankruptcy proceedings and whose rights have not yet been restored;
  - (ii) a person who has been sentenced to imprisonment or heavier punishment or has been sentenced to a criminal fine or heavier punishment pursuant to the provisions of this Act and for whom five years have not yet elapsed since the day on which the person served out the sentence or ceased to be subject to the sentence;
  - (iii) a person whose registration was cancelled under Article 33-13 and for which five years have not yet elapsed since the date of the cancellation;
  - (iv) an organized crime group member as defined in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 70 of 1991) or a person for which five years have not yet elapsed since the day on which the person was no longer an organized crime group member as defined in the same item;
  - (v) a corporation for which any of its officers conducting its business operations fall under any of the preceding items;
  - (vi) a minor whose statutory agent falls under any of the preceding items.
- (7) Upon refusing registration pursuant to the provisions of the preceding paragraph, the Minister of the Environment and the special international species-related minister must notify the applicant of the refusal together with the reason therefor without delay.

(Notification of Change in a Special International Species Business Operator)  
Article 33-7 (1) In the event of any change in the information set forth in the items of paragraph (2) of the preceding Article, the person that has obtained the registration pursuant to paragraph (1) of the same Article (hereinafter referred to as a "special international species business operator") must notify

the Minister of the Environment and the special international species-related minister of the change within a period of thirty days commencing on the date of the change; provided, however, that this does not apply to minor changes specified by order issued by the Minister of the Environment and the special international species-related minister.

- (2) Upon receipt of a notification of change under the provisions of the preceding paragraph, the Minister of the Environment and the special international species-related minister must register the notified information with the special international species business operator registry referred to in paragraph (4) of the preceding Article.

(Publication of Information Contained in the Special International Species Business Operator Registry)

Article 33-8 The Minister of the Environment and the special international species-related minister must publicize names, registration numbers, and other information specified by order issued by the Minister of the Environment and the special international species-related minister out of the information contained in the special international species business operator registry referred to in Article 33-6, paragraph (4), pursuant to the provisions of order issued by the Minister of the Environment and the special international species-related minister.

(Notification of Discontinuation of a Special International Species Business)

Article 33-9 If a special international species business operator discontinues its special international species business, the business operator must notify the Minister of the Environment and the special international species-related minister thereof within a period of thirty days commencing on the date of the discontinuation.

(Renewal of Registration of a Special International Species Business Operator)

Article 33-10 (1) Registration obtained under Article 33-6, paragraph (1) expires upon the expiration of a period of five years unless the registration is renewed at an interval of that period.

- (2) The provisions of Article 33-6, paragraphs (2) through (7) apply mutatis mutandis to a renewal of registration under the preceding paragraph.
- (3) If an application for renewal of registration has been filed under paragraph (1) and if no disposition is rendered in response to the application on or before the date of expiration of the period specified in the same paragraph (hereinafter referred to as the "validity period" in this paragraph and the following paragraph), then the existing registration remains valid after the expiration of its validity period until a disposition is rendered.

- (4) In the case referred to in the preceding paragraph, if the registration is renewed, the validity period of the renewed registration commences on the day immediately following the date of expiration of the validity period of the former registration.

(Rules to Be Complied with by a Special International Species Business Operator)

Article 33-11 (1) If a special international species business operator receives a transfer or delivery of special specified body parts, etc. in connection with the special international species business, the business operator must confirm the name and address of the transferor or deliverer of the special specified body parts, etc., and if the transferor or deliverer is a corporation, the name of its representative, and if the special specified body parts, etc. are not accompanied by a manifest as specified in Article 33-23, paragraph (1) or (2), the business operator must collect from the transferor or deliverer information on the source of the special specified body parts, etc.

(2) A special international species business operator must document and maintain the information confirmed or collected pursuant to the provisions of the preceding paragraph and other information on the transfer, etc. of special specified body parts, etc., pursuant to the provisions of order issued by the Minister of the Environment and the special international species-related minister.

(3) If a special international species business operator displays or advertises special specified body parts, etc. in connection with the special international species business, the business operator must display the registration number notified to the business operator under the provisions of Article 33-6, paragraph (5) and any other information specified by order issued by the Minister of the Environment and the special international species-related minister, pursuant to the provisions of order issued by the Minister of the Environment and the special international species-related minister.

(Orders to Special International Species Business Operators to Take Measures)

Article 33-12 The Minister of the Environment and the special international species-related minister may order a special international species business operator to take measures necessary to ensure its compliance with the provisions of this Act, if the Minister of the Environment and the special international species-related minister find it to be necessary to do so in order to contribute to the conservation of rare species of wild fauna and flora by improving the business operator's special international species business.

(Cancellation of Registration of a Special International Species Business

Operator)

Article 33-13 If a special international species business operator falls under any of the following items, the Minister of the Environment and the special international species-related minister may cancel the business operator's registration or order the business operator to suspend all or part of the business for a period not exceeding six months specified by the Minister of the Environment and the special international species-related minister:

- (i) if the business operator has violated the provisions of this Act or of any order issued under this Act or any disposition rendered under this Act;
- (ii) if, by wrongful means, the business operator has obtained registration under Article 33-6, paragraph (1) or has renewed registration under Article 33-10, paragraph (1);
- (iii) if the business operator falls under any of the items of paragraph (6) of Article 33-6;
- (iv) if the business operator has prepared a manifest under Article 33-23, paragraph (1) or (2) by including false information therein.

(Collection of Reports and On-Site Inspection)

Article 33-14 (1) To the extent necessary to enforce the provisions of this Section and the following Section, the Minister of the Environment and the special international species-related minister may order a special international species business operator to report on its special international species business or to submit its books, documents, and other articles, or may have ministry officials enter the facilities for conducting the special international species business in order to inspect books, documents, and other articles or to ask questions of relevant persons.

- (2) To the extent necessary to enforce the provisions of this Section and the following Section, the Minister of the Environment and the special international species-related minister may order a person doing business with a special international species business operator to submit a report or documents which would provide helpful information on the services or assets of the special international species business operator.
- (3) Officials who conduct an on-site inspection under the provisions of paragraph (1) must carry identification and present it to the relevant persons.
- (4) The authority under the provisions of paragraph (1) must not be construed as being granted for criminal investigation purposes.

(Business Registration Organization)

Article 33-15 (1) If any person has been registered with the Minister of the Environment and the special international species-related minister to conduct the affairs of the Minister of the Environment and the special international

species-related minister prescribed in Articles 33-6 through 33-10 (hereinafter referred to as "business registration-related affairs") (that person is hereinafter referred to as a "business registration organization"), the Minister of the Environment and the special international species-related minister are to have the business registration organization perform those affairs, pursuant to the provisions of order issued by the ministers.

- (2) The registration referred to in the preceding paragraph (hereinafter referred to as an "organization registration" in this Section) is conducted in response to an application by a person intending to conduct the business registration-related affairs.
- (3) No person that falls under any of the following items may obtain an organization registration:
  - (i) a person who has been sentenced to punishment for committing an offense prescribed in this Act and for whom two years have not yet elapsed since the day on which the person served out the sentence or ceased to be subject to the sentence;
  - (ii) a person whose organization registration was cancelled under Article 33-18, paragraph (4) or (5) and for whom two years have not yet elapsed since the date of the cancellation;
  - (iii) a corporation for which any of its officers conducting its business operations fall under either of the preceding two items.
- (4) If there is no other person that has obtained an organization registration and if a person that has applied for an organization registration (hereinafter referred to as an "organization registration applicant" in this paragraph) conforms to all of the following items, the Minister of the Environment and the special international species-related minister must conduct an organization registration of the person. In this case, the procedures necessary for organization registration are specified by order issued by the Minister of the Environment and the special international species-related minister.
  - (i) the business registration-related affairs will be conducted by no less than four persons who graduated from a university or technical college under the School Education Act after completing a course in veterinary medicine or any other discipline required for the identification of special specified body parts, etc. at (including persons who completed an associate's course in any of these disciplines at a professional university under the same act) or persons who have an academic ability equivalent or higher than the persons described above and who have a total of three years or more of practical experience in the identification of special specified body parts, etc.;
  - (ii) the organization registration applicant falls under neither of the following:
    - (a) if the organization registration applicant is a stock company, its parent corporation is a person engaging in a special international species



- business;
- (b) any of the officers or employees of the organization registration applicant is an officer or employee of a person engaging in a special international species business (including a person that has been an officer or employee of the person engaging in the special international species business within the past two years).
- (5) An organization registration is conducted by entering the following information in the business registration organization registry:
- (i) date of the organization registration;
  - (ii) name and address of the person that obtained the organization registration (or, in the case of a corporation, its name, the name of its representative, and the location of its principal office);
  - (iii) beyond what is set forth in the preceding two items, any information specified by order issued by the Minister of the Environment and the special international species-related minister.
- (6) In the application of the provisions of Articles 33-6 through 33-9 in the case where a business registration organization conducts business registration-related affairs, the phrase "Minister of the Environment and the minister specified by Cabinet Order according to the type of the special specified body parts, etc.(hereinafter referred to as the "special international species-related minister" in this Chapter)" in Article 33-6, paragraph (1) is deemed to be replaced with "business registration organization (meaning the business registration organization as defined in Article 33-15, paragraph (1); the same applies hereinafter in this Article through Article 33-9)," the phrase "with the Minister of the Environment and the special international species-related minister" in Article 33-6, paragraph (2) is deemed to be replaced with "with the business registration organization," the phrase "Minister of the Environment and the special international species-related minister" in Article 33-6, paragraphs (4) through (7) is deemed to be replaced with "business registration organization," the phrase "notify the Minister of the Environment and the special international species-related minister" in Article 33-7, paragraph (1) is deemed to be replaced with "notify the business registration organization," the phrase "Minister of the Environment and the special international species-related minister must" in Article 33-8, paragraph (1) is deemed to be replaced with "business registration organization must," and the phrase "Minister of the Environment and the special international species-related minister" in Article 33-9 is deemed to be replaced with "business registration organization".

(Rules to Be Complied with by a Business Registration Organization)

Article 33-16 (1) If requested to conduct business registration-related affairs, a business registration organization must do so without delay unless there are

legitimate grounds not to do so.

- (2) A business registration organization must conduct business registration-related affairs fairly and through the procedures specified by order issued by the Minister of the Environment and the special international species-related minister.
- (3) If a business registration organization intends to make changes to the information set forth in item (ii) and (iii) of paragraph (5) of the preceding Article, the business registration organization must notify the Minister of the Environment and the special international species-related minister of the changes at least two weeks prior to the intended date of change; provided, however, that this does not apply to changes to minor information specified by order issued by the Minister of the Environment and the special international species-related minister.
- (4) If a business registration organization makes changes to the information referred to in the proviso of the preceding paragraph, the organization must notify the Minister of the Environment and the special international species-related minister of the changes without delay.
- (5) Prior to commencing its business registration-related affairs, a business registration organization must establish rules for conducting its business registration-related affairs and must obtain the authorization of the Minister of the Environment and the special international species-related minister, pursuant to the provisions of order issued by the Minister of the Environment and the special international species-related minister. The same applies when the business registration organization intends to amend those rules.
- (6) Within three months after the end of each business year, a business registration organization must prepare the financial statements, etc. for that business year, and must maintain the financial statements, etc. for five years at its place of business.
- (7) A person wishing to obtain registration under Article 33-6, paragraph (1) or any other interested person may make the following requests at any time during the office hours of the business registration organization; provided, however, that a request under in item (ii) or (iv) is subject to payment of the fee prescribed by the business registration organization:
  - (i) if the financial statements, etc. have been prepared in written form, a request for inspection or copying of the written statements;
  - (ii) a request for a transcript of or extract from the written statements referred to in the preceding item;
  - (iii) if the financial statements, etc. have been prepared in the form of electromagnetic records, a request for inspection or copying of the information recorded in the electromagnetic records displayed by the means specified by order issued by the Minister of the Environment and the special

- international species-related minister;
- (iv) a request that information recorded in the electromagnetic records referred to in the preceding item be provided by an electromagnetic means specified by order issued by the Minister of the Environment and the special international species-related minister, or a request for delivery of documents containing that information.
- (8) Pursuant to the provisions of order issued by the Minister of the Environment and the special international species-related minister, a business registration organization must keep books, must enter in the books such information on its business registration-related affairs as is specified by order issued by the Minister of the Environment and the special international species-related minister, and must maintain these books.
- (9) A business registration organization must not suspend or discontinue all or part of its business registration-related affairs without the permission of the Minister of the Environment and the special international species-related minister.

(Obligation of Confidentiality)

- Article 33-17 (1) Current and former officers and employees of a business registration organization must not divulge any secrets obtained in connection with the business registration organization's business registration-related affairs.
- (2) In the application of the Penal Code and any other penal provisions, officers and employees of a business registration organization who engage in business registration-related affairs are deemed to be personnel engaged in public service pursuant to laws and regulations.

(Orders to a Business Registration Organization to Conform)

- Article 33-18 (1) If the Minister of the Environment and the special international species-related minister find that a business registration organization no longer conforms to either of the items of paragraph (4) of Article 33-15, the Minister of the Environment and the special international species minister may order the business registration organization to take measures necessary to conform to the relevant provisions.
- (2) If the Minister of the Environment and the special international species-related minister find that a business registration organization is in violation of the provisions of Article 33-16, paragraph (1) or (2), the Minister of the Environment and the special international species-related minister may order the business registration organization to conduct business registration-related affairs or to take measures necessary to improve the procedures for its business registration-related affairs.

- (3) If the Minister of the Environment and the special international species-related minister find that any rules established by a business registration organization under Article 33-16, paragraph (5) have become inappropriate for the fair conduct of its business registration-related affairs, the Minister of the Environment and the special international species-related minister may order the business registration organization to amend those rules.
- (4) If a business registration organization falls under Article 33-15, paragraph (3), item (i) or (iii), the Minister of the Environment and the special international species-related minister must cancel its organization registration.
- (5) If a business registration organization falls under any of the following items, the Minister of the Environment and the special international species-related minister may cancel its organization registration or order the business registration organization to suspend all or part of its business registration-related affairs for a period specified by the Minister of the Environment and the special international species-related minister:
- (i) the business registration organization has violated any of the provisions of Article 33-16, paragraphs (3) through (6), (8) or (9);
  - (ii) the business registration organization has conducted business registration-related affairs without compliance with its rules established under Article 33-16, paragraph (5);
  - (iii) the business registration organization has refused a request made under the provisions of the items of paragraph (7) of Article 33-16 without legitimate grounds;
  - (iv) if the individual, etc. registration organization has violated an order issued under any of the provisions of paragraphs (1) through (3);
  - (v) if the individual, etc. registration organization has obtained its organization registration by wrongful means.

(Request for Administrative Review of a Disposition Rendered by a Business Registration Organization)

Article 33-19 Any person dissatisfied with a disposition or inaction related to business registration-related affairs conducted by a business registration organization may file a request for administrative review with the Minister of the Environment and the special international species-related minister. In this case, the Minister of the Environment and the special international species-related minister are deemed to be higher administrative authorities of the business registration organization in the application of the provisions of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), Article 47, and Article 49, paragraph (3) of the Administrative Appeal Act.

(Public Notice)

Article 33-20 In the following cases, the Minister of the Environment and the special international species-related minister must give public notice to that effect in the official gazette:

- (i) if the ministers have conducted an organization registration;
- (ii) if the ministers have received a notification pursuant to the provisions of Article 33-16, paragraph (3);
- (iii) if the ministers have granted permission under the provisions of Article 33-16, paragraph (9);
- (iv) if the ministers have decided to conduct all or part of the business registration-related affairs under the provisions of Article 24, paragraph (10) as applied mutatis mutandis pursuant to Article 33-22 or to no longer conduct all or part of the business registration-related affairs that have been conducted by the ministers;
- (v) if the ministers have canceled a business registration under the provisions of Article 33-18, paragraph (4) or (5) or have ordered a business registration organization to suspend all or part of its business registration-related affairs under the provisions of paragraph (5) of the same Article.

(Fees)

Article 33-21 (1) A person wishing to obtain registration under Article 33-6, paragraph (1) or wishing to renew registration under Article 33-10, paragraph (1) must pay to the State (or, if the relevant business registration-related affair is conducted by a business registration organization, the business registration organization) a fee in the amount specified by Cabinet Order in view of the actual cost.

(2) A fee paid to a business registration organization under the provisions of the preceding paragraph is treated as income of the business registration organization.

(Application Mutatis Mutandis)

Article 33-22 The provisions of Article 23, paragraph (6) apply mutatis mutandis to an organization registration and the provisions of Article 24, paragraphs (10) and (11) and Article 27 apply mutatis mutandis to business registration-related affairs. In this case, the phrase "Minister of the Environment" in Article 23, paragraph (6) is deemed to be replaced with "Minister of the Environment and the special international species-related minister (meaning the special international species-related minister as defined in Article 33-6, paragraph (1); the same applies in paragraphs (10) and (11) of the following Article and Article 27, paragraph (1))," the phrase "Minister of the Environment" in Article 24, paragraph (10) is deemed to be replaced with "Minister of the Environment and the special international species-related

minister," the phrase "Minister of the Environment" in Article 24, paragraph (11) is deemed to be replaced with "Minister of the Environment and the special international species-related minister," the phrase "Ministry of the Environment Order" in the same paragraph is deemed to be replaced with "order issued by the Minister of the Environment and the special international species-related minister," the phrase "Minister of the Environment" in Article 27, paragraph (1) is deemed to be replaced with "Minister of the Environment and the special international species-related minister," and the phrase "this Section" in the same paragraph is deemed to be replaced with "this Subsection".

### **Section 5 Certification of Proper Acquisition of Raw Materials for Products**

(Preparation and Handling of Manifests)

Article 33-23 (1) If a special international species business operator falls under any of the following items with regard to its special international species business, the special international species business operator must prepare a manifest containing necessary information on, among other things, how the relevant special specified body part, etc. (limited to those satisfying the requirements specified by Cabinet Order; the same applies hereinafter in this paragraph) were acquired, pursuant to the provisions of order issued by the Minister of the Environment and the special international species-related minister:

- (i) if the special international species business operator has obtained the special specified body part, etc. by dividing a raw material body part, etc. that were transferred or delivered to the business operator together with the registration card, etc. for the individual, etc.;
  - (ii) if the special international species business operator has newly obtained the special specified body part, etc. by dividing a special specified body part, etc. that were transferred or delivered to the business operator together with the manifest for the special specified body part, etc.
  - (iii) Beyond what is set forth in the preceding two items, cases specified by order issued by the Minister of the Environment and the special international species-related minister as cases where it is obvious that a legally acquired special specified body part, etc. satisfy the registration requirements.
- (2) A specified international species business operator or special international species business operator may prepare a manifest for a specified body part, etc. (excluding a special specified body part, etc. satisfying the requirements specified by Cabinet Order referred to in the preceding paragraph and limited to those that can serve as a raw material for a product provided in Article 33-

25, paragraph (1); the same applies hereinafter in this paragraph) pursuant to the provisions of order issued by the Minister of the Environment, the specified international species-related minister, and the special international species-related minister (hereinafter referred to as the "Minister of the Environment, etc." in this Section) only if the business operator's specified international species business or special international species business, as the case may be, falls under any of the following items:

- (i) if the business operator transfers or delivers a specified body part, etc. which were part of, and were obtained by dividing, a raw material body part, etc. that were transferred or delivered to the business operator together with the registration card, etc. for the individual, etc.;
  - (ii) if the business operator transfers or delivers a specified body part, etc. which were part of, and were obtained by dividing, a specified body part, etc. that were transferred or delivered to the business operator together with the manifest for the specified body part, etc.;
  - (iii) beyond what is set forth in the preceding two items, cases specified by order issued by the Minister of the Environment, etc. as cases where it is obvious that a specified body part, etc. to be transferred or delivered satisfy the registration requirements.
- (3) Any transfer or delivery of a specified body part, etc. for which a manifest has been prepared under the preceding two paragraphs must be accompanied by the manifest.
  - (4) Any transfer or delivery of a manifest referred to in paragraphs (1) and (2) must be accompanied by the specified body part, etc. to which the manifest pertains.
  - (5) If a specified international species business operator or special international species business operator transfers or delivers a specified body part, etc. for which a manifest has been prepared under paragraph (1) or (2), the business operator must retain a copy of the manifest referred to in paragraph (1) or (2) pursuant to the provisions of order issued by the Minister of the Environment, etc.
  - (6) If a specified international species business operator prepares a manifest referred to in paragraph (2) in any case other than those set forth in the items of the same paragraph or prepares a manifest referred to in the same paragraph containing false information, if found necessary, the Minister of the Environment, etc. may prohibit the business operator from preparing manifests under the provisions of the same paragraph.

(Restrictions on Preparation of Manifests)

Article 33-24 It is prohibited for any person to prepare a manifest referred to in paragraph (1) or (2) of the preceding Article in any case other than those

falling under the items of paragraph (1) or the items of paragraph (2) of the preceding Article.

(Certification of Proper Acquisition of Raw Materials for Products)

Article 33-25 (1) In response to an application filed by a manufacturer of any of the products specified by Cabinet Order and manufactured by using a raw material body part, etc. as a raw material (excluding products eligible for registration, etc.), the Minister of the Environment, etc. may provide a certification that the product has been manufactured by using as a raw material a raw material body part, etc. satisfying the registration requirements.

(2) The certification under the preceding paragraph may be provided only in the following cases:

(i) if the applicant has received a transfer or delivery of the specified body part, etc. which are a raw material for the product, together with the manifest prepared for the specified body part, etc. under the provisions of Article 33-23, paragraph (1) or (2);

(ii) if the applicant is a person that has received a transfer or delivery of the specified body part, etc. which are a raw material for the product, together with the manifest for the raw material body part, etc.;

(iii) beyond what is set forth in the preceding two items, cases specified by order issued by the Minister of the Environment, etc. as cases where it is obvious that the raw material body part, etc. which are a raw material of the product satisfy the registration requirements.

(3) Upon provision of a certification under paragraph (1), for each item of the product covered by the application, the Minister of the Environment, etc. must issue the applicant with a mark indicating that the product has been certified under the same paragraph, pursuant to the provisions of order issued by the Minister of the Environment, etc.

(4) The mark referred to in the preceding paragraph must not be attached to anything other than the item with respect to which the certification represented by the mark has been provided.

(5) Beyond what is provided for in the preceding paragraphs, order issued by the Minister of the Environment, etc. prescribes necessary matters concerning the certification under paragraph (1) and the mark referred to in paragraph (3).

(Certifying Organization)

Article 33-26 (1) If any person has been registered with the Minister of the Environment, etc. to conduct the affairs of the Minister of the Environment, etc. prescribed in the preceding Article (hereinafter referred to as "certification-related affairs") (that person is hereinafter referred to as a "certifying



organization"), the Minister of the Environment, etc. is to have the certifying organization perform those affairs pursuant to the provisions of order issued by the Ministry of the Environment.

- (2) The registration referred to in the preceding paragraph (hereinafter referred to as an "organization registration" in this Section) will be conducted in response to an application by a person intending to conduct the certification-related affairs.
- (3) No person that falls under any of the following items may obtain an organization registration:
  - (i) a person who has been sentenced to punishment for committing an offense prescribed in this Act and for whom two years have not yet elapsed since the day on which the person served out the sentence or ceased to be subject to the sentence;
  - (ii) a person whose organization registration was cancelled under Article 33-29, paragraph (4) or (5) and for whom two years have not yet elapsed since the date of the cancellation;
  - (iii) a corporation for which any of its officers conducting its business operations fall under either of the preceding two items.
- (4) If a person that has applied for an organization registration (hereinafter referred to as an "organization registration applicant" in this paragraph) conforms to all of the following items, the Minister of the Environment, etc. must conduct an organization registration of the person. In this case, the procedures necessary for an organization registration are prescribed by order issued by the Minister of the Environment, etc.:
  - (i) the certification-related affairs will be conducted by no less than two persons who graduated from and graduated from a university or technical college under the School Education Act after completing a course in veterinary medicine or any other discipline required for the identification of specified body parts, etc. at (including persons who completed an associate's course in any of these disciplines at a professional university under the same act) or persons who have an academic ability equivalent or higher than the persons described above and who have a total of three years or more of practical experience in the identification of specified body parts, etc.;
  - (ii) the organization registration applicant falls under neither of the following:
    - (a) if the organization registration applicant is a stock company, its parent corporation is a person engaging in a specified international species business or special international species business (limited to a business related to any of the products specified by Cabinet Order under paragraph (1) of the preceding Article; the same applies in (b));
    - (b) any of the officers or employees of the organization registration applicant is an officer or employee of a person engaging in a specified international

species business or special international species business (including a person that has been an officer or employee of the person engaging in the specified international species business or special international species business within the past two years).

- (5) An organization registration is to be conducted by entering the following information in the certifying organization registry:
  - (i) date and number of the organization registration;
  - (ii) name and address of the person that obtained the organization registration (or, in the case of a corporation, its name, the name of its representative, and the location of its principal office);
  - (iii) beyond what is set forth in the preceding two items, any information specified by order issued by the Minister of the Environment, etc.
- (6) In the application of the provisions of the preceding Article in the case where a certifying organization conducts its certification-related affairs, the phrase "Minister of the Environment, etc." in paragraph (1) of the same Article is deemed to be replaced with "certifying organization (meaning the certifying organization as defined in paragraph (1) of the following Article; the same applies in paragraph (3))," and the phrase "Minister of the Environment, etc. must" in paragraph (3) of the same Article is deemed to be replaced with "certifying organization must".

(Rules to Be Complied with by a Certifying Organization)

- Article 33-27 (1) If requested to conduct certification-related affairs, a certifying organization must do so without delay unless there are legitimate grounds not to do so.
- (2) A certifying organization must conduct certification-related affairs fairly and through the procedures specified by order issued by the Minister of the Environment, etc.
  - (3) If a certifying organization intends to make changes to the information set forth in items (ii) and (iii) of paragraph (5) of the preceding Article, the certifying organization must notify the Minister of the Environment, etc. of the changes at least two weeks prior to the intended date of change; provided, however, that this does not apply to changes to minor information specified by order issued by the Minister of the Environment, etc.
  - (4) If a certifying organization makes changes to the information referred to in the proviso of the preceding paragraph, the organization must notify the Minister of the Environment, etc. of the changes without delay.
  - (5) Prior to commencing its certification-related affairs, a certifying organization must establish rules for its conducting certification-related affairs and must obtain the authorization of the Minister of the Environment, etc., pursuant to the provisions of order issued by the Minister of the Environment, etc. The

same applies when the business registration organization intends to amend those rules.

- (6) Within three months after the end of each business year, a certifying organization must prepare the financial statements, etc. for that business year, and must maintain the financial statements, etc. for five years at its place of business.
- (7) A person wishing to obtain a certification under Article 33-25, paragraph (1) or any other interested person may make the following requests at any time during the office hours of the certifying organization; provided, however, that a request under item (ii) or (iv) is subject to payment of the fee prescribed by the certifying organization:
  - (i) if the financial statements, etc. have been prepared in written form, a request for inspection or copying of the written statements;
  - (ii) a request for a transcript of or extract from the written statements referred to in the preceding item;
  - (iii) if the financial statements, etc. have been prepared in the form of electromagnetic records, a request for inspection or copying of the information recorded in the electromagnetic records displayed by the means specified by order issued by the Minister of the Environment, etc.;
  - (iv) a request that information recorded in the electromagnetic records referred to in the preceding item be provided by an electromagnetic means specified by order issued by the Minister of the Environment, etc., or a request for delivery of documents containing that information.
- (8) Pursuant to the provisions of order issued by the Minister of the Environment, etc., a certifying organization must keep books, must enter in the books such information on its certification-related affairs as is specified by order issued by the Ministry of the Environment, etc., and must maintain these books.
- (9) A certifying organization must not suspend or discontinue all or part of its certification-related affairs without the permission of the Minister of the Environment, etc.

(Obligation of Confidentiality)

- Article 33-28 (1) Current and former officers and employees of a certifying organization must not divulge any secrets obtained in connection with the certifying organization's certification-related affairs.
- (2) In the application of the Penal Code and any other penal provisions, officers and employees of a certifying organization who engage in certification-related affairs are deemed to be personnel engaged in public service pursuant to laws and regulations.

(Orders to a Certification Organization to Conform)

- Article 33-29 (1) If the Minister of the Environment, etc. find that a certifying organization no longer conforms to either of the items of paragraph (4) of Article 33-26, the Minister of the Environment, etc. may order the certifying organization to take measures necessary to conform to the relevant provisions.
- (2) If the Minister of the Environment, etc. find that a certifying organization is in violation of the provisions of Article 33-27, paragraph (1) or (2), the Minister of the Environment, etc. may order the certifying organization to conduct certification-related affairs or to take measures necessary to improve the procedures for its certification-related affairs.
- (3) If the Minister of the Environment, etc. find that any rules established by a certifying organization under Article 33-27, paragraph (5) have become inappropriate for the fair conduct of its certification-related affairs, the Minister of the Environment, etc. may order the certifying organization to amend those rules.
- (4) If a certifying organization falls under Article 33-26, paragraph (3), item (i) or (iii), the Minister of the Environment, etc. must cancel its organization registration.
- (5) If a certifying organization falls under any of the following items, the Minister of the Environment, etc. may cancel its organization registration or order the certifying organization to suspend all or part of its certification-related affairs for a period specified by the Minister of the Environment, etc.
- (i) if the certifying organization has violated any of the provisions of Article 33-27, paragraphs (3) through (6), (8), or (9);
  - (ii) if the certifying organization has conducted certification-related affairs without compliance with its rules established under Article 33-27, paragraph (5);
  - (iii) if the certifying organization has refused a request made under the provisions of the items of paragraph (7) of Article 33-27 without legitimate grounds;
  - (iv) if the certifying organization has violated an order issued under any of the provisions of paragraphs (1) through (3);
  - (v) if the certifying organization has obtained its organization registration by wrongful means.

(Request for Administrative Review of a Disposition Rendered by a Certifying Organization)

Article 33-30 Any person dissatisfied with a disposition or inaction related to certification-related affairs conducted by a certifying organization may file a request for administrative review with the Minister of the Environment, etc. In this case, the Minister of the Environment, etc. are deemed to be higher administrative authorities of the certifying organization in the application of

the provisions of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), Article 47, and Article 49, paragraph (3) of the Administrative Appeal Act.

(Public Notice)

Article 33-31 In the following cases, the Minister of the Environment, etc. must give public notice to that effect in the official gazette:

- (i) if the minister has conducted an organization registration;
- (ii) if the Minister of the Environment, etc. have received a notification pursuant to the provisions of Article 33-27, paragraph (3);
- (iii) if the Minister of the Environment, etc. have granted permission under the provisions of Article 33-27, paragraph (9);
- (iv) if the Minister of the Environment, etc. have decided to conduct all or part of the certification-related affairs under the provisions of Article 24, paragraph (10) as applied *mutatis mutandis* pursuant to Article 33-33 or to no longer conduct all or part of the certification-related affairs that have been conducted by the Minister of the Environment, etc.;
- (v) if the Minister of the Environment, etc. have canceled a business registration under the provisions of Article 33-29, paragraph (4) or (5) or have ordered a certification organization to suspend all or part of its certification-related affairs under the provisions of paragraph (5) of the same Article.

(Fees)

- Article 33-32 (1) A person wishing to obtain a certification under Article 33-25, paragraph (1) must pay to the State (or, if the relevant certification-related affair is conducted by a certifying organization, the certifying organization) a fee in the amount specified by Cabinet Order in view of the actual cost.
- (2) A fee paid to a certifying organization under the provisions of the preceding paragraph is treated as income of the certifying organization.

(Application *Mutatis Mutandis*)

Article 33-33 The provisions of Article 23, paragraph (6) apply *mutatis mutandis* to an organization registration and the provisions of Article 24, paragraphs (10) and (11) and Article 27 apply *mutatis mutandis* to certification-related affairs. In this case, the phrase "Minister of the Environment" in Article 23, paragraph (6) is deemed to be replaced with "Minister of the Environment, etc. (meaning the Minister of the Environment, etc. as defined in Article 33-23, paragraph (2); the same applies in Article 24, paragraphs (10) and (11) and Article 27, paragraph (1))," the phrase "Minister of the Environment" in Article 24, paragraph (10) is deemed to be replaced with "Minister of the Environment,

etc.," the phrases "Minister of the Environment" and "Ministry of the Environment Order" in paragraph (11) of the same Article are deemed to be replaced respectively with "Minister of the Environment, etc." and "order issued by the Minister of the Environment, etc.," and the phrase "Minister of the Environment" in Article 27, paragraph (1) is deemed to be replaced with "Minister of the Environment, etc."

### **Chapter III Regulations for Protection of Habitat**

#### **Section 1 Obligations of Landowners**

(Obligations of Landowners)

Article 34 An owner or possessor of land must give consideration to the conservation of nationally rare species of wild fauna and flora in using the land.

(Advice or Guidance)

Article 35 If the Minister of the Environment finds it to be necessary for the conservation of nationally rare species of wild fauna and flora, the minister may provide the owner or possessor of the relevant land with necessary advice or guidance on the method of usage and other matters concerning the land.

#### **Section 2 Habitat Protection Zones**

(Habitat Protection Zones)

Article 36 (1) If the Minister of the Environment finds it to be necessary for the conservation of a nationally rare species of wild fauna and flora, the minister may designate a habitat protection zone consisting of a habitat of individuals of the species and the areas which need to be protected as integral parts of the habitat and which are found to be important for the conservation of the nationally rare species of wild fauna and flora in light of the distribution, ecology, and other aspects of the status of inhabitation or growth of individuals of the species.

(2) A designation of a habitat protection zone under the provisions of the preceding paragraph (hereinafter referred to as a "designation" in this Article) or changes to the designation are made by specifying the areas and name of the habitat protection zone, the nationally rare species of wild fauna and flora subject to the designation or changes, and guidelines for the protection of those areas.

(3) If the Minister of the Environment finds it to be necessary when making a designation or changes thereto, the minister may specify the duration of the designation.

(4) If the Minister of the Environment intends to make a designation or changes

thereto, the minister must in advance consult with the heads of the relevant administrative organs and hear the opinions of the Central Environmental Council and the relevant local governments.

- (5) If the Minister of the Environment intends to make a designation or changes thereto (in the case of changes to a designation, limited to cases where the designated areas are expanded or the duration of the designation is specified or extended; the same applies in the following paragraph and paragraph (7)), in advance, the minister must give public notice of the intended designation or changes and make available for public inspection a proposal for the areas and name of the habitat protection zone and for the guidelines for the protection of those areas (referred to as the "designation proposal" in the following paragraph and paragraph (7)), as well as (only if the duration of the designation is specified under the provisions of paragraph (3)) the duration of the designation, for a period of fourteen days commencing on the date of public notice and pursuant to the provisions of Ministry of the Environment Order.
- (6) If a public notice has been given under the provisions of the preceding paragraph, residents and interested persons from the areas subject to the proposed designation or changes may submit written opinions on the designation proposal to the Minister of the Environment until the period specified in the same paragraph elapses.
- (7) The Minister of the Environment is to hold a public hearing if any written opinion against the designation proposal has been submitted under the preceding paragraph or if the minister otherwise finds it to be necessary to widely solicit opinions on the proposed designation or changes.
- (8) If the Minister of the Environment makes a designation or changes thereto, the minister must give public notice of the designation or changes, the areas and name of the habitat protection zone, and the guidelines for the protection of those areas, as well as (only if the duration of the designation is specified under the provisions of paragraph (3)) the duration of the designation, in the official gazette.
- (9) A designation or changes thereto becomes effective upon the giving of public notice under the provisions of the preceding paragraph.
- (10) If the Minister of the Environment finds that there is no longer a need for a designation or that it is inappropriate to continue a designation due to changes in the status of inhabitation or growth of individuals of the nationally rare species of fauna and flora protected by the habitat protection zone or due to other changes in the circumstances, the minister must cancel the designation.
- (11) The provisions of paragraphs (4), (8), and (9) apply mutatis mutandis to cancellation of a designation under the provisions of the preceding paragraph. In this case, the phrase "designation or changes, the areas and name of the habitat protection zone, and the guidelines for the protection of those areas, as

well as the duration of the designation" in paragraph (8) (only if the duration of the designation is specified under the provisions of paragraph (3)) is deemed to be replaced with "cancellation and the areas for which the designation is cancelled," and the phrase "public notice under the provisions of the preceding paragraph" in paragraph (9) is deemed to be replaced with "public notice under the provisions of the preceding paragraph as applied mutatis mutandis pursuant to paragraph (11)".

- (12) A person that engages in any of the acts set forth in the items of paragraph (4) of the following Article within the areas of a habitat protection zone (or, in the case of the act set forth in item (viii) of the same paragraph, within one kilometer of the lake or wetland referred to in the same item) must do so in a manner that does not affect the conservation of the nationally rare species of wild fauna and flora while giving consideration to the guidelines referred to in paragraph (2).

(Controlled Areas)

Article 37 (1) The Minister of the Environment may designate as controlled areas any areas within a habitat protection zone which are found by the minister to be particularly necessary for the conservation of the nationally rare species of wild fauna and flora.

- (2) If the Minister of the Environment finds that there is no longer a need for a designation under the preceding paragraph or that it is inappropriate to continue the designation due to changes in the status of inhabitation or growth of individuals of the nationally rare species of fauna and flora protected by the controlled area or due to other changes in the circumstances, the minister must cancel the designation.

- (3) The provisions of paragraphs (2) and paragraphs (4) through (9) of the preceding Article apply mutatis mutandis to a designation or changes thereto under the provisions of paragraph (1), the provisions of paragraphs (4), (8), and (9) of the same Article apply mutatis mutandis to a cancellation of a designation under the provisions of the preceding paragraph, and the provisions of paragraph (8) of the same Article apply mutatis mutandis to a designation under the provisions of the following paragraph. In this case, the phrase "areas and name of the habitat protection zone, the nationally rare species of wild fauna and flora subject to the designation or changes, and guidelines for the protection of those areas" in paragraph (2) of the same Article is deemed to be replaced with "areas of the habitat protection zone" with regard to a designation or changes thereto under the provisions of paragraph (1), the phrase "designated areas are expanded or the duration of the designation is specified or extended" in paragraph (5) of the preceding Article is deemed to be replaced with "designated areas are expanded" with



regard to a designation or changes thereto under the provisions of paragraph (1), the phrase ", as well as the duration of the designation (only if the duration of the designation is specified under the provisions of paragraph (3)), for" in paragraph (5) of the preceding Article is deemed to be replaced with "for" with regard to a designation or changes thereto under the provisions of paragraph (1), the phrase "designation or changes, the areas and name of the habitat protection zone, and the guidelines for the protection of those areas, as well as the duration of the designation (only if the duration of the designation is specified under the provisions of paragraph (3))" in paragraph (8) of the preceding Article is deemed to be replaced with "designation or changes and the areas of the habitat protection zone" with regard to a designation or changes thereto under paragraph (1) or "cancellation and the areas whose designation is cancelled" with regard to cancellation of a designation under the provisions of the preceding paragraph or "designation and the designated areas and the duration of designation for each area," with regard to a designation under the following paragraph, and the phrase "public notice under the provisions of the preceding paragraph" in paragraph (9) of the preceding Article is deemed to be replaced with "public notice under the provisions of the preceding paragraph as applied mutatis mutandis pursuant to paragraph (3) of the following Article".

- (4) A person must not engage in any of the following acts (in the cases of the acts set forth in items (x) through (xiv), limited to those engaged in within the areas designated by the Minister of the Environment and within the period designated by the minister for each area) within a controlled area (or, in the case of the act set forth in item (viii), within one kilometer of the lake or wetland referred to in the same item; the same applies in Article 40, paragraph (1) and Article 41, paragraph (1)) without the permission of the Minister of the Environment:
- (i) constructing, renovating, or expanding a building or any other structure;
  - (ii) developing residential land, clearing land, or otherwise modifying the characteristics of land (including the bed of a body of water);
  - (iii) mining minerals or quarrying either soil or stone or both;
  - (iv) reclaiming land from water by landfill or drainage;
  - (v) causing increases and decreases in water level or volume of a river, lake, or wetland;
  - (vi) felling trees or bamboo;
  - (vii) capturing or taking other actions regarding individuals or any other living thing of any of the species of wild fauna and flora designated by the Minister of the Environment as required for the inhabitation or growth of a nationally rare species of wild fauna and flora;
  - (viii) discharging sewage or waste water into any lake or wetland designated

- by the Minister of the Environment within the controlled area or into any body of water or waterway that flows into the lake or wetland, by installing a drainage facility;
- (ix) using a motor vehicle, horse, or motorboat or landing aircraft within any area designated by the Minister of the Environment other than on roads, open spaces set aside for public use, rice fields or other cultivated fields, pastures, or residential land;
  - (x) capturing or taking other actions regarding individuals or any other living thing of a species of wild fauna or flora other than individuals or any other living thing of the species of wild fauna and flora designated by the Minister of the Environment under the provisions of item (vii);
  - (xi) releasing, planting, or sowing seeds of individuals of a species of fauna or flora designated by the Minister of the Environment as potentially affecting the inhabitation or growth of individuals of a nationally rare species of wild fauna and flora;
  - (xii) spreading any substance designated by the Minister of the Environment as potentially affecting the inhabitation or growth of individuals of a nationally rare species of wild fauna and flora;
  - (xiii) engaging in controlled burning or making an open fire;
  - (xiv) observing individuals of a nationally rare species of wild fauna and flora by a method specified by the Minister of the Environment as potentially affecting the inhabitation or growth of individuals of the nationally rare species of wild fauna and flora.
- (5) A person wishing to obtain permission under the preceding paragraph must file with the Minister of the Environment an application for the permission pursuant to the provisions of Ministry of the Environment Order.
- (6) If the act for which an application has been filed under the preceding paragraph does not conform to the guidelines referred to in paragraph (2) of the preceding Article as applied *mutatis mutandis* pursuant to paragraph (3), the Minister of the Environment may refuse to grant the permission required under paragraph (4).
- (7) If the Minister of the Environment finds it to be necessary for the conservation of a nationally rare species of wild fauna and flora, to the extent necessary, the minister may impose conditions on the permission required under paragraph (4).
- (8) If a person had already commenced any of the acts set forth in the items of paragraph (4) at the time when these acts were put under regulation by the provisions of the same paragraph and if the person notifies the Minister of the Environment of the information specified by Ministry of the Environment Order no later than the day on which three months have elapsed since the day on which the relevant act was put under regulation, the person may continue

to engage in the relevant act notwithstanding the provisions of the same paragraph.

- (9) The provisions of paragraph (4) do not apply to the following acts:
- (i) an act which constitutes an emergency measure necessary to deal with an emergency disaster;
  - (ii) ordinary acts of management or minor or simple acts, in each case specified by Ministry of the Environment Order;
  - (iii) felling trees and bamboo by such method and within such limits as are designated by the Minister of the Environment for each controlled area in consultation with the Minister of Agriculture, Forestry and Fisheries.
- (10) A person that has engaged in the act which is set forth in item (i) of the preceding paragraph and which falls under any of the items of paragraph (4) must notify the Minister of the Environment to that effect no later than the day on which fourteen days have elapsed since the date of the act.

(Restricted Sections)

Article 38 (1) The Minister of the Environment may designate as a restricted section any place within a controlled area which is found by the minister to be particularly necessary for the inhabitation or growth of individuals of a nationally rare species of wild fauna and flora.

- (2) If the Minister of the Environment intends to make a designation or changes thereto (in the case of changes to a designation, limited to an expansion of the section) under the provisions of the preceding paragraph, the minister must obtain the consent of the owner or possessor of the land where the place is located (limited to one holding just title to the land; the same applies in the following paragraph and Article 42, paragraph (2)) and consult with the heads of the relevant administrative organs.
- (3) If the owner or possessor of the relevant land requests cancellation of a designation made under the provisions of paragraph (1) on legitimate grounds or if the Minister of the Environment finds that there is no longer a need for the designation, the Minister of the Environment must cancel the designation.
- (4) It is prohibited for any person to enter a restricted section at any time during the period specified by the Minister of the Environment; provided, however, that this does not apply in the following cases:
- (i) if the person enters the restricted section in order to take necessary emergency measures in response to an extraordinary disaster;
  - (ii) if the person enters the restricted section in order to engage in ordinary acts of management or minor or simple acts that have in each case been specified by Ministry of the Environment Order;
  - (iii) beyond what is set forth in the preceding two items, if the Minister of the Environment gives permission upon finding that compelling reasons exist to

do so.

- (5) The provisions of Article 36, paragraphs (8) and (9) apply mutatis mutandis to a designation and changes thereto under the provisions of paragraph (1) and to cancellation of a designation under the provisions of paragraph (3), and the provisions of paragraphs (5) and (7) of the preceding Article apply mutatis mutandis to the permission under item (iii) of the preceding paragraph. In this case, the phrase "designation or changes, the areas and name of the habitat protection zone, and the guidelines for the protection of those areas, as well as the duration of the designation (only if the duration of the designation is specified under the provisions of paragraph (3))" in Article 36, paragraph (8) is deemed to be replaced with "designation or changes and the restricted section" with regard to a designation or changes thereto under the provisions of paragraph (1) or "cancellation and the section whose designation is cancelled" with regard to cancellation of a designation under the provisions of paragraph (3), and the phrase "public notice under the provisions of the preceding paragraph" in Article 36, paragraph (9) is deemed to be replaced with "public notice under the provisions of the preceding paragraph as applied mutatis mutandis pursuant to Article 38, paragraph (5)".

(Monitoring Areas)

- Article 39 (1) A person that intends to engage in any of the acts set forth in Article 37, paragraph (4), items (i) through (v) within any part of a habitat protection zone that is not part of a controlled area (referred to as a "monitoring area" in paragraph (1) of the following Article and Article 41, paragraph (1)) must notify the Minister of the Environment, in advance, of the information specified by Ministry of the Environment Order.
- (2) If a notification is received under the provisions of the preceding paragraph (hereinafter referred to as a "notification" in this Article) and if the act for which the notification was made does not conform to the guidelines referred to in Article 36, paragraph (2), the Minister of the Environment may prohibit or restrict the person who made the notification from engaging in the act for which the notification was made or may order the person who made the notification to take necessary measures.
- (3) No order may be issued under the provisions of the preceding paragraph after the elapse of a period of thirty days from the date of the notification (or after a period specified by the Minister of the Environment within sixty days from the date of the notification, if legitimate grounds exist for the inability of the minister to issue an order under the provisions of the same paragraph no later than the day on which thirty days have elapsed from the date of the notification) or after a notice is given under the provisions of the proviso of paragraph (5).

- (4) If the Minister of the Environment has specified a period under the provisions of the preceding paragraph, the minister must notify the relevant person who made the notification to that effect and of the grounds therefor without delay.
- (5) A person who made the notification must not commence the act for which the notification was given until after the elapse of thirty days from the date of the notification (or, if the Minister of the Environment has specified a period under the provisions of paragraph (3), until after the elapse of that period); provided, however, that this does not apply where the Minister of the Environment gives notice to the person who made the notification upon finding that earlier commencement of the act will not potentially affect the conservation of the relevant nationally rare species of wild fauna and flora.
- (6) The provisions of paragraph (1) do not apply to the following acts:
  - (i) an act which constitutes an emergency measure necessary to deal with an emergency disaster;
  - (ii) either ordinary acts of management or minor or simple acts specified by Ministry of the Environment Order;
  - (iii) an act which has already been commenced at the time a designation or changes thereto are made under the provisions of Article 36, paragraph (1).

(Orders to Take Measures)

- Article 40 (1) If the Minister of the Environment finds it to be necessary for the conservation of the relevant nationally rare species of wild fauna and flora, the minister may give instructions on manner in which the relevant act should be engaged in to the person that engages in any of the acts set forth in the items of paragraph (4) of Article 37 in a controlled area or any of the acts set forth in items (i) through (v) of the same paragraph in a monitoring area.
- (2) If the protection of a habitat of individuals of a nationally rare species of wild fauna and flora has been affected by a violation committed by a person that violated the provisions of Article 37, paragraph (4) or Article 38, paragraph (4) or any conditions imposed under the provisions of Article 37, paragraph (7) (including as applied *mutatis mutandis* pursuant to Article 38, paragraph (5)), or by a person that engaged in any of the acts referred to in paragraph (1) of the preceding Article without making notification pursuant to the same paragraph, or by a person that violated an order issued under the provisions of paragraph (2) of the same Article, and if the Minister of the Environment finds it to be necessary for the conservation of the nationally rare species of wild fauna and flora, the minister may order the relevant person to restore the habitat to the original condition or to take other measures necessary for the protection of the habitat of individuals of the nationally rare species of wild fauna and flora.
  - (3) If the Minister of the Environment has issued an order under the provisions

of the preceding paragraph and if the person subject to the order fails to take the measures required by the order within the time limit set by the order, then the minister may restore the habitat to the original condition or take other measures necessary for the protection of the habitat of individuals of the nationally rare species of wild fauna and flora, and may charge all or part of the expenses of the measures to the person.

(Collection of Reports and On-site Inspection)

- Article 41 (1) To the extent necessary for the enforcement of the provisions of this Act, the Minister of the Environment may request a person that engaged in any of the acts set forth in the items of paragraph (4) of Article 37 within a controlled area or any of the acts set forth in items (i) through (v) of the same paragraph within a monitoring area to make a report on the status of implementation of the act and other necessary matters.
- (2) To the extent necessary for the enforcement of the provisions of this Act, the Minister of the Environment may have ministry officials enter the land owned or possessed by the person referred to in the preceding paragraph within a habitat protection zone in order to inspect or ask questions of relevant persons regarding the status of implementation of the act engaged in by the person or in order to investigate the effects of the act on the conservation of the relevant nationally rare species of wild fauna and flora.
- (3) Officials who conduct an on-site inspection or on-site investigation under the provisions of the preceding paragraph must carry identification and present it to the relevant persons.
- (4) The authority under the provisions of paragraphs (1) and (2) must not be construed as being granted for criminal investigation purposes.

(Field Investigation)

- Article 42 (1) The Minister of the Environment may have ministry officials enter a person's land to the extent necessary to conduct field investigations for the purpose of making a designation or changes thereto under the provisions of Article 36, paragraph (1), Article 37, paragraph (1), or Article 38, paragraph (1).
- (2) If the Minister of the Environment intends to have ministry officials enter a person's land under the provisions of the preceding paragraph, in advance, the minister must notify the owner or possessor of the land to that effect and give the owner or possessor an opportunity to state their opinion.
- (3) Officials who enter the relevant land under the provisions of paragraph (1) must carry identification and present it to the relevant persons.
- (4) Without legitimate grounds, the owner or possessor of the relevant land must not refuse or hinder any entry into the land permitted under the provisions of paragraph (1).

(Ruling by the Environmental Dispute Coordination Commission)

Article 43 (1) Any person dissatisfied with a disposition rendered under the provisions of Article 37, paragraph (4), Article 39, paragraph (2), or Article 40, paragraph (2) may file an application for ruling with the Environmental Disputes Coordination Commission if the grounds for the dissatisfaction relate to coordination with a mining, stone quarrying, or gravel quarrying business. In this case, no administrative review may be requested.

(2) The provisions of Article 22 of the Administrative Appeal Act apply mutatis mutandis to cases where the administrative authority which rendered the disposition referred to in the preceding paragraph has erroneously instructed that a request for administrative review or re-investigation may be filed against the disposition referred to in the preceding paragraph.

(Compensation for Loss)

Article 44 (1) If a person incurs a loss due to an inability to obtain permission under Article 37, paragraph (4) or due to the imposition of conditions under the provisions of paragraph (7) of the same Article or due to an order issued under the provisions of Article 39, paragraph (2), the State will compensate the person for the loss ordinarily incurred.

(2) A person wishing to receive compensation under the preceding paragraph must claim it from the Minister of the Environment.

(3) Upon receipt of a claim under the preceding paragraph, the Minister of the Environment must determine the amount of compensation to be paid and notify the claimant thereof.

(4) Any person dissatisfied with the amount determined under the provisions of the preceding paragraph may demand an increase in the amount by filing an action no later than the day on which six months have elapsed since the date of receipt of the notice under the same paragraph.

(5) In the action referred to in the preceding paragraph, the State is to be the defendant.

#### **Chapter IV Protection and Reproduction Programs**

(Protection and Reproduction Program Plans)

Article 45 (1) The Minister of the Environment and the head of the national government's administrative organ intending to conduct a protection and reproduction program (collectively referred to as the "Minister of the Environment, etc." in paragraph (3) and Article 48-2) is to establish a protection and reproduction program plan after hearing the opinion of the Central Environmental Council in order to contribute to the proper and

effective implementation of the program.

- (2) The protection and reproduction program plan referred to in the preceding paragraph is to provide the goals of the program, the areas where the program is proposed to be implemented, the content of the program, and any other matters necessary for the proper and effective implementation of the program, for each nationally rare species of wild fauna and flora to which the program is targeted.
- (3) Upon establishment of a protection and reproduction program plan under paragraph (1), the Minister of the Environment, etc. must give public notice of an outline of the protection and reproduction program plan in the official gazette and must make the plan available for public inspection.
- (4) The provisions of paragraph (1) and the preceding paragraph apply mutatis mutandis to changes to a protection and reproduction program plan established under paragraph (1).

(Certified Protection and Reproduction Programs)

Article 46 (1) If the national government finds it necessary for the conservation of nationally rare species of wild fauna and flora, the national government is to conduct a protection and reproduction program.

- (2) If a protection and reproduction program of a local government conforms to a protection and reproduction program referred to in paragraph (1) of the preceding Article, the local government may receive confirmation by the Minister of the Environment to that effect.
- (3) A person other than the national government or a local government may obtain certification by the Minister of the Environment regarding a protection and reproduction program implemented by the person to the effect that the person is capable of properly and reliably implementing the protection and reproduction program and that the plan for the program conforms to a protection and reproduction program referred to in paragraph (1) of the preceding Article.
- (4) Upon provision of a certification under the preceding paragraph, the Minister of the Environment must give public notice to that effect pursuant to the provisions of Ministry of the Environment Order. The same applies when the certification is cancelled under the provisions of Article 48, paragraph (2) or (3).

Article 47 (1) A certified protection and reproduction program, etc. (meaning a protection and reproduction program of the national government or a protection and reproduction program confirmed under paragraph (2) of the preceding Article or certified under paragraph (3) of the same Article; the same applies hereinafter in this Article) must be implemented in accordance with the relevant protection and reproduction program plan referred to in Article 45,



paragraph (1).

- (2) The provisions of Article 9, Article 12, paragraph (1), Article 37, paragraphs (4) and (10), Article 38, paragraph (4), Article 39, paragraph (1), and Article 54, paragraphs (2) and (3) do not apply to any act implemented as a certified protection and reproduction program, etc.
- (3) The owners or possessors of the land within a habitat protection zone must endeavor to cooperate with the installation of feeding facilities installed as a certified protection and reproduction program, etc. and any other facilities that are necessary for a protection and reproduction program.
- (4) The Minister of the Environment may request a person that implements a protection and reproduction program certified under paragraph (3) of the preceding Article to make a report on the status of implementation of the protection and reproduction program and other necessary matters.

Article 48 (1) If a person implementing a protection and reproduction program confirmed or certified under Article 46, paragraph (2) or (3) terminates the program or is no longer capable of implementing the program in accordance with the protection and reproduction program plan established under Article 45, paragraph (1), the person must notify the Minister of the Environment to that effect.

- (2) Upon receipt of a notice under the provisions of the preceding paragraph, the Minister of the Environment is to cancel the confirmation or certification given under Article 46, paragraph (2) or (3) to which the notice pertains.
- (3) If the Minister of the Environment finds that a protection and reproduction program certified under Article 46, paragraph (3) has not been implemented in accordance with the protection and reproduction program plan established under Article 45, paragraph (1) or that the person implementing the protection and reproduction program is no longer capable of properly and reliably implementing the program or has failed to make a report or has made a false report as set forth in paragraph (4) of the preceding Article, the minister may cancel the certification.

(Entry into Land)

Article 48-2 (1) To the extent necessary to capture or take other actions regarding individuals of the species of wild fauna and flora for which a protection and reproduction program is implemented, the Minister of the Environment, etc. may have ministry officials enter a person's land in order to fell standing trees and bamboo or in order to make minor modifications to the characteristics of land (including the bed of a body of water; the same applies hereinafter in this Article).

- (2) If the Minister of the Environment has ministry officials engage in acts under

the provisions of the preceding paragraph, in advance, the minister must notify the owner or possessor of the land or the owner of the standing trees and bamboo to that effect and give the owner or possessor an opportunity to state their opinion.

- (3) Officials referred to in paragraph (1) must carry identification and present it to the relevant persons.
- (4) Without legitimate grounds, the owner or possessor of the relevant land must not refuse or hinder any entry into the land permitted under the provisions of paragraph (1).
- (5) If the Minister of the Environment, etc. intend to give notice pursuant to the provisions of paragraph (2) and if the addressee of the notice or the addressee's whereabouts are unknown, the Minister of the Environment, etc. must post the content of the notice on the bulletin board of the office of the municipality governing the location of the land or the standing trees and bamboo to which the notice pertains, and must publish in the official gazette a summary of the notice and the fact that its content is so posted. In this case, the notice is deemed to be received by the addressee on the day on which fourteen days have elapsed since the latter of the date of commencement of the posting or the date of publication in the official gazette.

(Compensation for Loss)

- Article 48-3 (1) If a person incurs a loss due to any act engaged in under the provisions of paragraph (1) of the preceding Article, the State compensates the person for the loss ordinarily incurred.
- (2) The provisions of Article 44, paragraphs (2) and (5) apply mutatis mutandis to compensation for a loss under the provisions of the preceding paragraph.

## **Chapter V Certified Zoos and Botanical Gardens Conserving Rare Species**

(Certification of Zoos and Botanical Gardens for Conservation of Rare Species)

- Article 48-4 (1) A person (limited to a corporation) that has established or manages zoos, botanical gardens, etc. may obtain, for each zoo, botanical garden, etc., a certification by the Minister of the Environment that the zoo, botanical garden, etc. conforms to all of the following items:
- (i) the purpose of rearing, etc. and transfer, etc. of the rare species of wild fauna and flora handled at the zoo, botanical garden, etc. conforms to the purpose prescribed in Article 13, paragraph (1);
  - (ii) the framework for the rearing, etc. and transfer, etc. of the rare species of wild fauna and flora and the rearing or cultivation facilities for the rare species of wild fauna and flora handled at the zoo, botanical garden, etc. satisfy the standards specified by Ministry of the Environment Order in

- terms of their contribution to the conservation of the rare species of wild fauna and flora;
- (iii) the plan for the rearing, etc. and transfer, etc. of the rare species of wild fauna and flora handled at the zoo, botanical garden, etc. satisfies the standards specified by Ministry of the Environment Order in terms of its contribution to the conservation of the rare species of wild fauna and flora;
  - (iv) the plan referred to in the preceding paragraph is likely to be implemented reliably;
  - (v) the policy for exhibition and other matters concerning the rare species of wild fauna and flora handled at the zoo, botanical garden, etc. satisfy the standards specified by Ministry of the Environment Order in terms of their contribution to the conservation of the rare species of wild fauna and flora.
- (2) A person wishing to obtain a certification under the preceding paragraph must file a written application giving the following information with the Minister of the Environment pursuant to the provisions of Ministry of the Environment Order:
- (i) name and address of the person wishing to obtain the certification and the name of its representative;
  - (ii) name and location of the zoo, botanical garden, etc. for which the certification is applied for;
  - (iii) names of the rare species of wild fauna and flora handled at the zoo, botanical garden, etc. referred to in the preceding item;
  - (iv) purpose of the rearing, etc. and transfer, etc. of each of the rare species of wild fauna and flora referred to in the preceding item;
  - (v) information concerning the framework for the rearing, etc. and transfer, etc. of and the rearing or cultivation facilities for each of the rare species of wild fauna and flora referred to in item (iii);
  - (vi) the plan referred to in item (iii) of the preceding paragraph (referred to as the "plan" in Article 48-10);
  - (vii) beyond what is set forth in the preceding items, the policy for exhibition and any other information specified by Ministry of the Environment Order concerning the rare species of wild fauna and flora referred to in item (ii).
- (3) If the Minister of the Environment finds that an application for certification filed under paragraph (1) conforms to all of the items of the same paragraph, the minister must provide a certification.
- (4) No person that falls under any of the following items may obtain a certification under paragraph (1):
- (i) a person who has been sentenced to a criminal fine or heavier punishment for violating the provisions of this Act or of any order issued under this Act or any disposition rendered under this Act and for whom five years have not yet elapsed since the day on which the person served out the sentence or

- ceased to be subject to the sentence;
- (ii) a person whose certification obtained under paragraph (1) was cancelled under the provisions of Article 48-9 and for whom five years have not yet elapsed since the date of the cancellation;
  - (iii) a person for which any of its officers fall under items (i).
- (5) Upon provision of a certification under paragraph (1), the Minister of the Environment must give public notice of the information specified by Ministry of the Environment Order, pursuant to the provisions of Ministry of the Environment Order. The same applies when the Minister of the Environment provides a certification of change under the provisions of paragraph (1) of the following Article, receives a notification of change under the provisions of paragraph (3) of the same Article, receives a notification of discontinuation under the provisions of paragraph (4) of the same Article, renews a certification under the provisions of Article 48-6, paragraph (1) or cancels a certification under the provisions of Article 48-9.

(Certification of Change)

- Article 48-5 (1) If a person that has established or manages zoos, botanical gardens, etc. certified under paragraph (1) of the preceding Article (hereinafter each is referred to as a "certified zoo, botanical garden, etc. conserving rare species") (that person is hereinafter referred to as an "operator, etc. of certified zoos, botanical gardens, etc. conserving rare species") intends to make changes to the information set forth in items (iii) through (vi) of paragraph (2) of the same Article, the person must obtain a certification by the Minister of the Environment pursuant to the provisions of Ministry of the Environment Order; provided, however, that this does not apply when the changes are minor ones as specified by Ministry of the Environment Order.
- (2) The provisions of paragraphs (2) through (4) of the preceding Article apply mutatis mutandis to a certification of change under the preceding paragraph. In this case, the phrase "following information" in paragraph (2) of the same Article is deemed to be replaced with "information to be changed".
  - (3) If an operator, etc. of certified zoos, botanical gardens, etc. conserving rare species make changes to the information set forth in items (i) through (vi) of paragraph (2) of the preceding Article (in the case of the information set forth in items (iii) through (vi) of the same paragraph, limited to information for which the changes are minor ones provided in the proviso of paragraph (1) and which is specified by Ministry of the Environment Order), the operator, etc. must notify the Minister of the Environment to that effect without delay pursuant to the provisions of Ministry of the Environment Order.
  - (4) If an operator, etc. of certified zoos, botanical gardens, etc. conserving rare species discontinue any of their certified zoos, botanical gardens, etc.

conserving rare species, the operator, etc. must notify the Minister of the Environment to that effect without delay pursuant to the provisions of Ministry of the Environment Order.

(Renewal of Certification)

Article 48-6 (1) A certification obtained under Article 48-4, paragraph (1) expires upon the expiration of a period of five years unless the certification is renewed at an interval of that period.

(2) The provisions of Article 48-4, paragraphs (2) through (4) apply *mutatis mutandis* to renewal of a certification under the preceding paragraph.

(3) If an application for renewal of a certification has been filed under paragraph (1) and if no disposition is rendered in response to the application on or before the date of expiration of the period specified in the same paragraph (hereinafter referred to as the "validity period" in this paragraph and the following paragraph), the existing certification remains valid after the expiration of its validity period until a disposition is rendered.

(4) In the case referred to in the preceding paragraph, if the certification is renewed, the validity period of the renewed certification commences on the day immediately following the date of expiration of the validity period of the former certification.

(Recording and Reporting)

Article 48-7 For each of their certified zoos, botanical gardens, etc. conserving rare species, an operator, etc. of certified zoos, botanical gardens, etc. conserving rare species must record and retain such information on the rearing, etc. and transfer, etc. of the relevant rare species of wild fauna and flora as is specified by Ministry of the Environment Order, and periodically report the information to the Minister of the Environment.

(Order to Conform)

Article 48-8 If the Minister of the Environment finds that a certified zoo, botanical garden, etc. conserving rare species no longer conform to any of the items of paragraph (1) of Article 48-4, the minister may order the relevant operator, etc. of certified zoos, botanical gardens, etc. conserving rare species to take measures necessary to conform the certified zoo, botanical garden, etc. conserving rare species to the relevant provisions.

(Cancellation of Certification)

Article 48-9 If the Minister of the Environment finds that an operator, etc. of certified zoos, botanical gardens, etc. conserving rare species fall under any of the following items, the minister may cancel the certification given under

Article 48-4, paragraph (1):

- (i) if the operator, etc. of certified zoos, botanical gardens, etc. conserving rare species have violated the provisions of this Act or of any order issued under this Act or any disposition rendered under this Act;
- (ii) if, by wrongful means, the operator, etc. of certified zoo, botanical garden, etc. conserving rare species have obtained a certification under Article 48-4, paragraph (1) or a certification of change under Article 48-5, paragraph (1) or have renewed a certification under Article 48-6, paragraph (1), in each case;
- (iii) if the Minister of the Environment finds that a certified zoo, botanical garden, etc. conserving rare species no longer conform to any of the items of paragraph (1) of Article 48-4.

(Exceptions to Prohibition of Transfer)

Article 48-10 The provisions of Article 12, paragraph (1) and Article 54, paragraph (2) do not apply to any transfer, etc. of a rare species of wild fauna and flora made by an operator of certified zoo, botanical garden, etc. conserving rare species in accordance with the plan.

(Collection of Reports and On-site Inspection)

- Article 48-11 (1) To the extent necessary for the enforcement of the provisions of this Chapter, the Minister of the Environment may request an operator, etc. of certified zoos, botanical gardens, etc. conserving rare species to make a necessary report and may have ministry officials enter certified zoos, botanical gardens, etc. conserving rare species or offices of the operator, etc. of certified zoos, botanical gardens, etc. conserving rare species in order to inspect documents and other articles or to ask questions of relevant persons .
- (2) Officials who conduct an on-site inspection under the provisions of the preceding paragraph must carry identification and present it to the relevant persons.
  - (3) The authority under the provisions of paragraph (1) must not be construed as being granted for criminal investigation purposes.

## **Chapter VI Miscellaneous Provisions**

(Surveys)

Article 49 The Minister of the Environment is to periodically conduct a survey into the status of inhabitation or growth of individuals of species of wild fauna and flora, the conditions of their habitats, and other necessary matters, and is to utilize the results thereof in revising or abolishing orders issued under this Act, making designations under this Act or cancelling them, and otherwise in properly applying this Act.

(Officials Engaged in Regulation)

Article 50 (1) The Minister of the Environment may have ministry officials who satisfy the requirements specified by Cabinet Order exercise part of the authority prescribed in Article 8, Article 11, paragraph (1) or (3), Article 14, paragraph (1) or (3), Article 18, Article 19, paragraph (1), Article 35, Article 40, paragraph (1) or (2), or Article 41, paragraph (1).

(2) An official who exercises part of the authority of the Minister of the Environment under the provisions of the preceding paragraph (referred to as a "rare wildlife species conservation officer" in the following paragraph) must carry identification and present it to the relevant persons when exercising the authority.

(3) Beyond what is set forth in the preceding two paragraphs, Cabinet Order prescribes necessary matters concerning rare wildlife species conservation officers.

(Rare Wildlife Species Conservation Promoters)

Article 51 (1) The Minister of the Environment may appoint rare wildlife species conservation promoters from among persons with enthusiasm about and insight into the conservation of endangered species of wild fauna and flora.

(2) Rare wildlife species conservation promoters engage in the following activities:

(i) raising public awareness of the current situation of endangered species of wild fauna and flora and the importance of conserving them;

(ii) researching the status of inhabitation or growth of individuals of endangered species of wild fauna and flora or the status of their habitats;

(iii) providing advice necessary for the conservation of rare species of wild fauna and flora to an owner or possessor of an individual, etc. of rare species of wild fauna and flora or to an owner or possessor of land where the habitat of the individual, etc. is located, in response to the request of an owner or possessor;

(iv) providing necessary cooperation in measures conducted by the national government or local governments for the conservation of endangered species of wild fauna or flora.

(3) The post of a rare wildlife species conservation promoter is to be honorary with a term of office of three years.

(4) The provisions of Article 9 do not apply to capture or other actions regarding individuals of a rare species of wild fauna and flora by a rare wildlife species conservation promoter if the capture and other actions are intended for a research project involving these individuals and specified by Ministry of the Environment Order.

- (5) The Minister of the Environment may remove a rare wildlife species conservation promoter if the promoter is unable to or has failed to perform the promoter's duties, has violated the provisions of this Act, or has committed any other misconduct unbecoming of a rare wildlife species conservation promoter.

(Procedure for Collection of Expenses Charged)

- Article 52 (1) If the Minister of the Environment intends to charge expenses to a person under the provisions of Article 11, paragraph (2), Article 14, paragraph (2) or Article 40, paragraph (3) or if the Minister of Economy, Trade and Industry, etc. intends to charge expenses to a person under the provisions of Article 16, paragraph (3), the relevant minister or minister, etc. must issue a written order to the person to pay the expenses charged (hereinafter referred to as the "expenses charged" in this Article) by specifying the amount and due date for payment thereof, pursuant to the provisions of either Ministry of the Environment Order or Ministry of Economy, Trade and Industry Order or both.
- (2) If any person fails to pay the expenses charged by the due date for payment referred to in the preceding paragraph, the Minister of the Environment or the Minister of Economy, Trade and Industry, etc. must demand payment by means of a demand letter specifying the due date for payment, pursuant to the provisions of either Ministry of the Environment Order or Ministry of Economy, Trade and Industry Order or both.
- (3) If payment is demanded under the provisions of the preceding paragraph, the Minister of the Environment or the Minister of Economy, Trade and Industry, etc. may collect penal interest in the amount calculated by multiplying the amount of expenses charged by a rate not exceeding 14.5 percent per annum for the number of days in the period from the day following the due date for payment referred to in paragraph (1) until the day preceding either the date of full payment of the expenses charged or the date of attachment of property for recovery of the expenses charged, pursuant to the provisions of either Ministry of the Environment Order or Ministry of Economy, Trade and Industry Order or both.
- (4) If any person that has received a demand for payment under the provisions of paragraph (2) fails to pay the expenses charged payable by the person and the penal interest thereon under the preceding paragraph (hereinafter referred to as the "penal interest" in this Article) by the due date for payment specified in the demand letter referred to in the same paragraph, the Minister of the Environment or the Minister of Economy, Trade and Industry, etc. may collect the expenses charged and the penal interest in accordance with the same rules as those for coercive collection of national tax delinquency. In this case, the statutory lien for the expenses charged and the penal interest is to rank next to that for national and local taxes.



(5) The penal interest is to have priority over the expenses charged.

(Provision of Advice and Other Measures for Local Governments)

Article 53 (1) The national government must endeavor to provide advice to and take other measures for local governments in order to allow them to smoothly implement their measures for the conservation of endangered species of wild fauna and flora.

(2) The national government must endeavor to deepen public understanding of the conservation of endangered species of wild fauna and flora through educational activities, public relations activities, etc. based on up-to-date scientific knowledge.

(Exceptions for National Government)

Article 54 (1) The provisions of Article 8, Article 9, Article 12, paragraph (1), Article 35, Article 37, paragraphs (4) and (10), Article 38, paragraph (4), Article 39, paragraph (1), Article 40, paragraph (1), and Article 41, paragraphs (1) and (2) do not apply to any affairs or programs conducted by a national government organ or a local government.

(2) Except in cases specified by Ministry of the Environment Order, a national government organ or a local government must consult with the Minister of the Environment in advance if the organ or government intends to capture or take other actions regarding live individuals of a nationally rare species of wild fauna and flora in cases other than the cases set forth in Article 9, items (ii) through (iv), or to make a transfer, etc. of an individual, etc. of a rare species of wild fauna and flora in cases other than the cases set forth in Article 12, paragraph (1), items (ii) through (ix), or to engage in any act that falls under any of the acts for which permission must be obtained pursuant to Article 37, paragraph (4) or Article 38, paragraph (4), item (iii).

(3) If a national government organ or a local government engages in any of the acts set forth in the items of paragraph (4) of Article 37 in cases where the organ or government is allowed to continue the relevant act or acts by making notification pursuant to the provisions of paragraph (8) of the same Article, or if a national government organ or a local government engages or intends to engage in any act that falls under any of the acts for which notification must be made pursuant to the provisions of paragraph (10) of the same Article or Article 39 of paragraph (1), the organ or government must notify the Minister of the Environment to that effect in accordance with the same rules as those for the notification required by the above applicable provisions, unless otherwise provided for in Ministry of the Environment Order.

(Delegation of Authority)

Article 55 The authority of the Minister of the Environment prescribed in this Act may be delegated to the heads of regional environmental offices pursuant to the provisions of Ministry of the Environment Order.

(Transitional Measures)

Article 56 Any order established, revised, or abolished under the provisions of this Act may prescribe required transitional measures (including transitional measures for penal provisions) to the extent deemed reasonably necessary for the establishment, revision, or abolition of the order.

(Delegation to Ministry of the Environment Order)

Article 57 Beyond what is provided for in this Act, Ministry of the Environment Order prescribes the procedures for implementing this Act and any other necessary matters concerning the enforcement of this Act.

## **Chapter VII Penal Provisions**

Article 57-2 A person who falls under either of the following items is punished by imprisonment for not more than five years or a fine of not more than five million yen, or both:

- (i) a person who has violated the provisions of Article 9, Article 12, paragraph (1) or Article 15, paragraph (1);
- (ii) a person who, by deception or other wrongful means, has obtained permission under Article 10, paragraph (1) or Article 13, paragraph (1) or registration under Article 20, paragraph (1), or has renewed registration under Article 20-2, paragraph (1), or has obtained registration under Article 20-3, paragraph (1) or Article 33-6, paragraph (1) or has renewed registration under Article 33-10, paragraph (1).

Article 58 A person who falls under any of the following items is punished by imprisonment for not more than one year or a fine of not more than one million yen:

- (i) a person who has violated an order issued under the provisions of Article 11, paragraph (1) or (3), Article 14, paragraph (1) or (3), Article 16, paragraph (1) or (2), Article 18, Article 33-12, or Article 40, paragraph (2).
- (ii) a person who has violated the provisions of Article 17, Article 20, paragraph (7), or Article 37, paragraph (4);
- (iii) a person who, by deception or other wrongful means, has registered a change under Article 20, paragraph (6) or (7) or has had a registration card rewritten and reissued under paragraph (9) of the same Article or reissued under paragraph (10) of the same Article (including as applied mutatis

mutandis pursuant to Article 22, paragraph (2)).

Article 59 A person who falls under any of the following items is punished by imprisonment for not more than six months or a fine of not more than five hundred thousand yen:

- (i) a person who has violated any conditions imposed under the provisions of Article 10, paragraph (4) (including as applied mutatis mutandis pursuant to Article 13, paragraph (4)) or Article 37, paragraph (7);
- (ii) a person who has completed an advance registration certificate as prescribed in the main clause of paragraph (1) of Article 20-4 by entering a raw material body part, etc. other than a raw material body part, etc. conforming to the information registered under Article 20-3, paragraph (1) or by including false information;
- (iii) a person who has violated an order issued under any of the provisions of Article 20-4, paragraphs (4) through (6), Article 32, paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (3) of the same Article), Article 33-4, paragraph (2), Article 33-13, or Article 33-23, paragraph (6);
- (iv) a person who has violated the provisions of Article 33-23, paragraph (1), Article 33-24, or Article 38, paragraph (4);
- (v) a special international species business operator which has prepared a manifest under Article 33-23, paragraph (1) by including false information therein;
- (vi) a specified international species business operator or special international species business operator which has prepared a manifest under Article 33-23, paragraph (2) by including false information therein.

Article 60 A person who has violated the provisions of Article 25, paragraph (1), Article 33-17, paragraph (1), or Article 33-28, paragraph (1) is punished by imprisonment for not more than six months or a fine of not more than five hundred thousand yen.

Article 61 If an individual, etc. registration organization, business registration organization, or certifying organization has violated an order to suspend individual, etc. registration-related affairs, business registration-related affairs, or certification-related affairs issued under the provisions of Article 26, paragraph (5), Article 33-18, paragraph (5) or Article 33-29, paragraph (5), the officers or personnel of the organization which has committed the violation are punished by imprisonment for not more than six months or a fine of not more than five hundred thousand yen.

Article 62 A person who falls under any of the following items is punished by a

fine of not more than five hundred thousand yen:

- (i) a person who has engaged in a specified national species business or specified international species business without making notification pursuant to the provisions of Article 30, paragraph (1) or (2) or Article 33-2, or has made false notification pursuant to the same provisions;
- (ii) a person who has violated any conditions imposed under the provisions of Article 37, paragraph (7) as applied *mutatis mutandis* pursuant to Article 38, paragraph (5);
- (iii) a person who has engaged in any of the acts referred to in Article 39, paragraph (1) without making notification pursuant to the provisions of the same paragraph or who has made false notification pursuant to the same paragraph;
- (iv) a person who has violated an order issued under the provisions of Article 39, paragraph (2);
- (v) a person who has violated the provisions of Article 39, paragraph (5).

Article 63 A person who falls under any of the following items is punished by a fine of not more than three hundred thousand yen:

- (i) a person who has engaged in capture and other actions without carrying the relevant permit or worker certificate in violation of the provisions of Article 10, paragraph (8);
- (ii) a person who has failed to make a report or has made a false report as set forth in Article 19, paragraph (1), or who has refused, hindered, or evaded an on-site inspection conducted under the provisions of the same paragraph, or who has failed to make statements or has made false statements in response to questions asked under the provisions of the same paragraph;
- (iii) a person who has failed to make notification or has made false notification pursuant to the provisions of Article 20, paragraph (11);
- (iv) a person who has violated the provisions of the proviso of paragraph (1) or paragraph (3) of Article 20-4;
- (v) a person who has failed to make a report or has made a false report pursuant to the provisions of Article 20-4, paragraph (2) or (7);
- (vi) a person who has violated any of the provisions of Article 21, Article 22, paragraph (1), Article 30, paragraph (4) (including as applied *mutatis mutandis* pursuant to paragraph (6) of the same Article or Article 33-5), Article 33-7, paragraph (1), Article 33-9, or Article 33-23, paragraphs (3) through (5);
- (vii) a person who has failed to make a report or has made a false report as set forth in Article 33, paragraph (1) (including as applied *mutatis mutandis* pursuant to Article 33-5; the same applies hereinafter in this item) or Article 33-14, paragraph (1) or (2), or has refused, hindered, or evaded an on-site

- inspection conducted under, or has failed to make statements or has made false statements in response to questions asked under, or has failed to submit articles or has submitted false articles or has failed to submit documents or has submitted false documents under the provisions of Article 33, paragraph (1) or Article 33-14, paragraph (1);
- (viii) a person who has obtained certification under Article 33-25, paragraph (1) by deception or other wrongful means;
  - (ix) a person who has violated the provisions of Article 33-25, paragraph (4);
  - (x) a person who has failed to make a report or has made a false report as set forth in Article 41, paragraph (1), or has refused, hindered, or evaded an on-site inspection conducted under the provisions of paragraph (2) of the same Article, or has failed to make statements or has made false statements in response to questions asked under the provisions of paragraph (2) of the same Article;
  - (xi) a person who has refused or hindered entry made under the provisions of Article 42, paragraph (1) or Article 48-2, paragraph (1) in violation of the provisions of Article 42, paragraph (4) or Article 48-2, paragraph (4);
  - (xii) a person who has failed to make a report or has made a false report as set forth in Article 48-11, or who has refused, hindered, or evaded an on-site inspection conducted under the provisions of the same Article, or who has failed to make statements or has made false statements in response to questions asked under the provisions of the same Article.

Article 64 If an individual, etc. registration organization, business registration organization, or certifying organization falls under any of the following items, the officers or personnel of the organization which has committed the violation are punished by a fine of not more than three hundred thousand yen:

- (i) if the organization has failed to enter the information prescribed in, or has entered false information under, or has failed to maintain books under, Article 24, paragraph (8), Article 33-16, paragraph (8), or Article 33-27, paragraph (8) in violation of the provisions of Article 24, paragraph (8), Article 33-16, paragraph (8), or Article 33-27, paragraph (8);
- (ii) if the organization has discontinued all of its individual, etc. registration-related affairs, business registration-related affairs, or certification-related affairs, as the case may be, without obtaining permission under Article 24, paragraph (9), Article 33-16, paragraph (9), or Article 33-27, paragraph (9);
- (iii) if the organization has failed to make a report or has made a false report as set forth in Article 27, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33-22 or Article 33-33; the same applies hereinafter in this item), or has refused, hindered, or evaded an on-site inspection conducted under the provisions of the same paragraph, or has

failed to make statements or has made false statements in response to questions asked under the same paragraph.

Article 65 (1) If a corporation's representative, or an agent of a corporation or an individual, or an employee or other worker has committed a violation of any of the provisions set forth in the following items in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation is subject to the fine prescribed in the relevant item and the individual to the fine prescribed in the relevant Article:

(i) Article 57-2: a fine of not more than one hundred million yen;

(ii) Article 58, item (i) (limited to the portion related to Article 18), item (ii) (limited to the portion related to Article 17 and Article 27, paragraph (7)) or item (iii): a fine of not more than twenty million yen;

(iii) Article 58, item (i) (excluding the portion related to Article 18) or item (ii) (limited to the portion related to Article 37, paragraph (4)), Article 59, Article 62, or Article 63: the fine prescribed in the relevant Article.

(2) The period of prescription in cases where a corporation or individual is subject to a fine for a violation under Article 57-2 pursuant to the provisions of the preceding paragraph is the same as the period of prescription for an offense under the same Article.

Article 66 If an individual, etc. registration organization, business registration organization, or certifying organization falls under either of the following items, the officers or personnel of the organization which has committed the violation is subject to a civil fine of not more than two hundred thousand yen:

(i) if the corporation has failed to maintain its financial statements, etc. or has failed to enter any of the required information in, or made false entries in, its financial statements, etc. in violation of the provisions of Article 24, paragraph (6), Article 33-16, paragraph (6), or Article 33-27, paragraph (6);

(ii) if the corporation has refused, without legitimate grounds, a request made under any of the provisions of the items of paragraph (7) of Article 24, the items of paragraph (7) of Article 33-16 or the items of paragraph (7) of Article 33-27.

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

(Effective Date)

Article 1 Chapter I and Articles 9 and 12 of the Supplementary Provisions come into effect as of the date of promulgation.

(Abolition of the Act on Regulation of Transfers of Special Birds)

Article 2 The following acts are abolished:

- (i) The Act on Regulation of Transfers of Special Birds (Act No. 49 of 1972);
- (ii) The Act on Regulation of Transfers of Endangered Wild Fauna and Flora (Act No. 58 of 1987).

(Transitional Measures)

Article 3 Any permission existing at the time this Act comes into effect that was granted pursuant to the proviso of Article 3, paragraph (1) of the Act on Regulation of Transfers of Special Birds before its abolition under the provisions of the preceding Article (hereinafter referred to as the "former Birds Act") or pursuant to the provisions of Article 3, paragraph (1), item (i) of the Act on Regulation of Transfers of Endangered Wild Fauna and Flora before its abolition under the provisions of the preceding Article (hereinafter referred to as the "former Wild Fauna and Flora Act") is deemed to be equivalent to permission granted under Article 13, paragraph (1).

Article 4 Any individual of a rare wild fauna and flora prescribed in Article 2, paragraph (1) of the former Wild Fauna and Flora Act (hereinafter referred to as a "rare fauna and flora") which has actually been registered under Article 6, paragraph (1) of the former Wild Fauna and Flora Act at the time this Act comes into effect and is an individual of an internationally rare species of wild fauna and flora is deemed to have been registered under Article 20, paragraph (1), and any registration card which has actually been issued for the individual pursuant to the provisions of Article 6, paragraph (3) or (5) of the former Wild Fauna and Flora Act (including as applied *mutatis mutandis* pursuant to Article 8, paragraph (2) of the former Wild Fauna and Flora Act) at the time of this Act comes into effect is deemed to be a registration card issued pursuant to the provisions of Article 20, paragraph (3).

Article 5 Beyond what is set forth in the preceding two Articles, any disposition or other act rendered by the Director-General of the Environment Agency pursuant to the provisions of the former Birds Act or the former Wild Fauna and Flora Act, or any application for permission or registration or for reissuance of a registration card that is pending before the Director-General of the Environment Agency pursuant to the provisions of the former Wild Fauna and Flora Act is deemed to be a disposition or other act rendered by the Director-General of the Environment Agency or an application for permission or registration or for reissuance of a registration card that is pending before the Director-General of the Environment Agency under the corresponding provisions of this Act.

Article 6 Prior laws continue to govern any notification to the Director-General of the Environment Agency pertaining to a person who has received a transfer or delivery of a rare fauna and flora registered under Article 6, paragraph (1) of the former Wild Fauna and Flora Act before this Act comes into effect, or any return of a registration card pertaining to a person which possesses a rare fauna and flora so registered and which has fallen under any of the items of paragraph (1) of Article 8 of the former Wild Fauna and Flora Act before this Act comes into effect.

Article 7 Prior laws continue to govern the applicability of penal provisions to conduct engaged in before this Act comes into effect and to conduct engaged in after this Act comes into effect in cases where prior laws continue to govern pursuant to the provisions of the preceding Article.

**Supplementary Provisions [Act No. 52 of June 29, 1994]**

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

**Supplementary Provisions [Act No. 59 of May 23, 1997 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 1998.

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

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that the provisions set forth in the following items come into effect as of the dates specified in the respective items:

- (i) of the provisions of Article 1, those making amendments by adding five Articles, a Section name, and two Subsections and Subsection names after Article 250 of the Local Autonomy Act (limited to the portion related to Article 250-9, paragraph (1) of the same Act (limited to the portion related to the requirement of obtaining the consent of both Houses of the Diet)); of the provisions of Article 40, those amending paragraphs (9) and (10) of the Supplementary Provisions of the Natural Parks Act (limited to the portion related to paragraph (10) of the Supplementary Provisions of the same Act); and the provisions of Article 244 (excluding the portion related to the



provisions amending Article 14-3 of the Agricultural Improvement Promotion Act), Article 472 (excluding the portion related to the provisions amending Articles 6, 8, and 17 of the Act on Special Provisions of the Merger of Municipalities), Articles 7, 10, and 12, the proviso of Article 59, Article 60, paragraphs (4) and (5), Articles 73 and 77, Article 157, paragraphs (4) through (6), and Articles 160, 163, 164, and 202: the date of promulgation;

(National Government Affairs)

Article 159 Beyond what is provided for in the relevant laws prior to amendment by this Act, the affairs administered or executed by an organ of a local government pursuant to the relevant laws or cabinet orders thereunder on behalf of the national government, another local government or a public entity before this Act comes into effect (referred to as "national government affairs" in Article 161 of the Supplementary Provisions) are to be processed by a local government as its affairs pursuant to the relevant laws or cabinet orders thereunder after this Act comes into effect.

(Transitional Measures for Appeals)

Article 161 (1) Any appeal entered under the Administrative Appeal Act regarding any disposition which is related to national government affairs conducted before the date of enforcement and which was rendered by an administrative authority (hereinafter referred to as the "administrative authority rendering the disposition" in this Article) that had a higher administrative authority prescribed by the same Act (hereinafter referred to as the "higher administrative authority" in this Article) before the date of enforcement is governed by the provisions of the Administrative Appeal Act by deeming that the administrative authority rendering the disposition continues to have a higher administrative authority even after the date of enforcement. In this case, the administrative authority that is deemed to be the higher administrative authority of the administrative authority rendering the disposition is the administrative authority which was the higher administrative authority of the administrative authority rendering the disposition before the date of enforcement.

(2) In the case referred to in the preceding paragraph, if the administrative authority which is deemed to be the higher administrative authority is an organ of a local government, the affairs required to be processed by that organ pursuant to the provisions of the Administrative Appeal Act are to constitute an item (i) statutory entrusted function prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures for Penal Provisions)

Article 163 Prior laws continue to govern the applicability of penal provisions to conduct engaged in before this Act comes into effect.

(Delegation of Other Transitional Measures to Cabinet Order)

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

(Consideration)

Article 250 Best efforts are to be made not to create additional item(i) statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act and, with respect to the existing item (i) statutory entrusted functions that are set forth in Appended Table 1 of the new Local Autonomy Act or that are referred to in Cabinet Order under the new Local Autonomy Act, consideration is to be given from the viewpoint of promoting decentralization and appropriate revisions are to be made in a timely manner.

Article 251 In order to allow local governments to execute their affairs and programs in an autonomous and independent manner, the national government is to consider ways to improve and secure sources of local tax revenue in line with the division of roles between the national government and local governments while taking into account changes in economic conditions and other factors, and is to take necessary measures based on the results of the consideration.

(Transitional Measures for Dispositions and Applications)

Article 1301 (1) Unless otherwise provided for in laws and regulations, any license, permission, certification, approval, designation, or other disposition rendered by: or any notice or other act given or conducted by, a former national government organ pursuant to the provisions of relevant laws and regulations before the acts related to the central government reform and this Act (hereinafter collectively referred to as the "reform-related acts, etc.") come into effect is deemed to be license, permission, certification, approval, designation, or any other disposition rendered by: or notice or any other act given or conducted by, the corresponding national government organ under the corresponding provisions of relevant laws and regulations after the reform-related acts, etc. come into effect.

(2) Unless otherwise provided for in laws and regulations, any application, notification, or other act which has actually been made or directed to a former national government organ pursuant to the provisions of relevant laws and regulations at the time the reform-related acts, etc. come into effect is deemed

to be an application, notification, or other act made or directed to the corresponding national government organ under the corresponding provisions of relevant laws and regulations after the reform-related acts, etc. come into effect.

- (3) Unless otherwise provided for in the applicable laws and regulations, the provisions of the relevant laws and regulations after the reform-related acts, etc. come into effect apply to any information which is required to be reported, notified, or submitted to, or otherwise be subject to procedures in, a former national government organ pursuant to the provisions of relevant laws and regulations before the reform-related acts, etc. come into effect and which has not gone through those procedures before the date on which the reform-related acts, etc. come into effect, by deeming that the abovementioned information that is required to be reported, notified, or submitted to, or otherwise be subject to procedures in, the corresponding national government organ pursuant to the corresponding provisions of relevant laws and regulations after the reform-related acts, etc. come into effect, has not yet gone through those procedures.

(Transitional Measures for Dispositions in Which Prior Laws Continue to Govern)

Article 1302 Unless otherwise provided for in laws and regulations, any license, permission, certification, approval, designation, or other disposition required to be rendered by, or any notice or other act required to be given or conducted by, a former national government organ, or any application, notification, or other act required to be made or directed to a former national government organ, in each case pursuant to the provisions of laws and regulations which require that prior laws continue to govern, are to be rendered, given, or conducted by, or made or directed to, the corresponding national government organ after the reform-related acts, etc. come into effect, according to the classification of the duties of, and the affairs under the jurisdiction of, the former national government organ under the provisions of laws and regulations after the reform-related acts, etc. come into effect.

(Transitional Measures for Penal Provisions)

Article 1303 Prior laws continue to govern the applicability of conduct engaged in before the reform-related acts, etc. came into effect.

(Delegation to Cabinet Order)

Article 1344 Beyond what is provided for in Articles 71 through 76 and Article 1301 through the preceding Article and in the acts related to the central government reform, the transitional measures necessary for the enforcement of

the reform-related acts, etc. are prescribed by Cabinet Order.

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

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect as of January 6, 2001; provided, however, that the provisions set forth in the following items come into effect as of the dates specified in the respective items:

- (i) the provisions of Article 995 (limited to the portion related to the amendment provisions of the Supplementary Provisions of the Act Partially Amending the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors), Articles 1305 and 1306, Article 1324, paragraph (2), Article 1326, paragraph (2), and Article 1344: the date of promulgation;

**Supplementary Provisions [Act No. 99 of June 20, 2003]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which one month has elapsed since the date of promulgation: provided, however, that the provisions of the following Article and Article 7 of the Supplementary Provisions come into effect as of the date of promulgation.

(Preparations before Enforcement)

Article 2 A person wishing to obtain registration under Article 23, paragraph (1) or Article 33-8, paragraph (1) of the Act on Conservation of Endangered Species of Wild Fauna and Flora amended by this Act (hereinafter referred to as the "new Act") may file an application for that registration even before this Act comes into effect. The same applies to any application for certification under the provisions of Article 24, paragraph (4) or Article 33-9, paragraph (4) of the new Act.

(Transitional Measures)

Article 3 A person that has actually been designated under Article 23, paragraph (1) or Article 33-8, paragraph (1) of the Act on Conservation of Endangered Species of Wild Fauna and Flora prior to amendment by this Act (hereinafter referred to as the "former Act") is deemed to have been registered under Article 23, paragraph (1) or Article 33-8, paragraph (1) of the new Act.

Article 4 Any disposition, procedure, or other act which was rendered, followed, or conducted pursuant to the provisions of the former Act or of order issued

thereunder before this Act comes into effect and which is prescribed by corresponding provisions of the new Act or of order issued thereunder is deemed to have been rendered, followed, or conducted pursuant to the provisions of the corresponding provisions of the new Act or of order issued thereunder.

Article 5 Even after this Act comes into effect, prior laws continue to govern the obligation to maintain the confidentiality of secrets obtained in connection with the registration-related affairs as defined in Article 23, paragraph (1) of the former Act or with the certification-related affairs as defined in Article 33-8, paragraph (1) of the former Act, imposed on persons who were officers or personnel of a designated registration organization as defined in Article 23, paragraph (5) of the former Act who were engaged in those registration-related affairs, or officers or personnel of a designated certifying organization as defined in article 33-8, paragraph (3) of the former Act who were engaged in those certification-related affairs.

(Transitional Measures for Application of Penal Provisions)

Article 6 Prior laws continue to govern the applicability of penal provisions to conduct engaged in before this Act comes into effect and to conduct engaged in after this Act comes into effect in connection with matters in which prior laws continue to govern pursuant to the provisions of the preceding Article.

(Delegation to Cabinet Order)

Article 7 Beyond what is provided for in Article 2 of the Supplementary Provisions through the preceding Article, the transitional measures necessary in connection with the enforcement of this Act are prescribed by Cabinet Order.

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

(Effective Date)

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

#### **Supplementary Provisions [Act No. 33 of April 27, 2005 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of October 1, 2005.

(Transitional Measures)

Article 24 Any order established, revised, or abolished under the provisions of any of the laws amended by this Act may prescribe required transitional measures (including transitional measures for penal provisions) to the extent deemed reasonably necessary for the establishment, revision, or abolition of the order.

(Transitional Measures for Penal Provisions)

Article 527 Prior laws continue to govern the applicability of penal provisions to conduct engaged in before the date of enforcement and to conduct engaged in after the date of enforcement in cases where prior laws continue to govern pursuant to the provisions of this Act.

(Delegation to Cabinet Order)

Article 528 Beyond what is provided for in this Act, the transitional measures necessary for the abolition or revision of laws by the provisions of this Act are prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 87 of July 26, 2005 Excerpts]  
[Extract]**

This Act comes into effect as from the date of enforcement of the Companies Act.

**Supplementary Provisions [Act No. 105 of August 30, 2011 Excerpts]  
[Extract]**

(Effective Date)

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

(Transitional Measures for Penal Provisions)

Article 81 Prior laws continue to govern the applicability of penal provisions to conduct engaged in before this Act comes into effect (or, in the case of the provisions set forth in the items of Article 1 of the Supplementary Provisions, the relevant provisions; the same applies hereinafter in this Article) and to conduct engaged in after this Act comes into effect in cases where prior laws continue to govern pursuant to the provisions of these Supplementary Provisions.

(Delegation to Cabinet Order)

Article 82 Beyond what is provided for in these Supplementary Provisions, the transitional measures necessary in connection with the enforcement of this Act

(including transitional measures for penal provisions) are prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 37 of June 12, 2013 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the dates specified respectively in those items:

- (i) of the provisions of Article 1, those which amend Article 1, Article 2, paragraph (1), Article 47, paragraph (2), and Article 53 of the Act on Conservation of Endangered Species of Wild Fauna and Flora, and the provisions of Articles 5, 6, and 9 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Article 1, excluding the amending provisions set forth in the preceding item: the day on which twenty days have elapsed since the date of promulgation.

(Transitional Measures for Registration)

Article 2 Any registration card issued before this Act comes into effect pursuant to the provisions of Article 20, paragraph (3) of the Act on Conservation of Endangered Species of Wild Fauna and Flora prior to amendment by the provisions of Article 2 is deemed to be a registration card issued pursuant to the provisions of Article 20, paragraph (3) of the Act on Conservation of Endangered Species of Wild Fauna and Flora amended by this Act (hereinafter referred to as the "new Act").

Article 3 In the application of the provisions of Article 20, paragraph (9) of the new Act to a person for which the information set forth in item (i) of paragraph (2) of the same Article has actually changed at the time this Act comes into effect, the phrase "date on which the change occurred" in paragraph (9) of the same Article is deemed to be replaced with "date on which the Act Partially Amending the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 37 of 2013) comes into effect".

Article 4 In the application of the provisions of Article 22, paragraph (1) of the new Act (limited to the portion related to item (ii)) to cases where a change has actually occurred in the information set forth in Article 20, paragraph (2), item (iii) of the new Act in relation to registration, the phrase "date of the relevant

event" in Article 22, paragraph (1) of the new Act is deemed to be replaced with "date on which the Act Partially Amending the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 37 of 2013) comes into effect".

(Transitional Measures for Penal Provisions)

Article 5 Prior laws continue to govern the applicability of penal provisions to conduct engaged in before this Act (or, in the case of the provisions set forth in the items of Article 1 of the Supplementary Provisions, those provisions) comes into effect.

(Delegation to Cabinet Order)

Article 6 Beyond what is provided for in Article 2 of the Supplementary Provisions through the preceding Article, the transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

(Review)

Article 7 Upon the elapse of three years after this Act comes into effect, by taking into account the status of enforcement of the new Act, the national government is to review the provisions of the new Act, including consideration of a proper framework for ensuring that such efforts as selecting nationally rare species of wild fauna and flora as defined in Article 4, paragraph (3) of the new Act and subsequently protecting these species' habitats and conducting protection and reproduction programs, will be promoted more actively and systematically while utilizing scientific knowledge, and also including consideration of a proper system for registering individual, etc. of internationally rare species of wild fauna and flora as defined in paragraph (4) of the same Article, and is to take necessary measures based on the results of the review if found necessary.

**Supplementary Provisions [Act No. 69 of June 13, 2014 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Administrative Appeal Act (Act No. 68 of 2014).

(Principle for Transitional Measures)

Article 5 Unless specifically provided for in these Supplementary Provisions, prior laws continue to govern any appeal which is entered regarding any disposition or other action or inaction by an administrative authority and



which is related to any disposition of an administrative authority rendered before this Act comes into effect or is related to any inaction of an administrative authority in response to an application filed before this Act comes into effect.

(Transitional Measures for Litigation)

- Article 6 (1) Prior laws continue to govern the filing of an action on any matter on which an action may be filed only after an administrative determination, decision, or other act by an administrative authority has been rendered on an appeal under the provisions of the relevant law prior to amendment by this Act and whose statute of limitations for entering the appeal has expired without the appeal being rendered before this Act comes into effect (including, in cases where the appeal may be entered only after an administrative determination, decision, or other act by an administrative authority has been rendered on another appeal, any matter whose statute of limitations for rendering the other appeal has expired without the appeal being rendered before this Act comes into effect).
- (2) Prior laws continue to govern the filing of an action for revocation of a disposition or other act to which an objection has been filed under the provisions of the relevant law prior to amendment by the provisions of this Act (including cases where prior laws continue to govern under the provisions of the preceding Article) and on which an action for revocation may be filed only after an administrative determination has been rendered on a request for examination under the provisions of the relevant law amended by the provisions of this Act.
- (3) Prior laws continue to govern any action which seeks revocation of an administrative determination, decision, or other act rendered by an administrative authority in response to an appeal and which was entered before this Act comes into effect.

(Transitional Measures for Penal Provisions)

Article 9 Prior laws continue to govern the applicability of penal provisions to conduct engaged in before this Act comes into effect and to conduct engaged in after this Act comes into effect in cases where prior laws continue to govern pursuant to the provisions of Article 5 of the Supplementary Provisions and the preceding two Articles.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 10 Beyond what is provided for in Articles 3 through 5 of the Supplementary Provisions, the transitional measures necessary in connection with the enforcement of this Act (including transitional measures for penal

provisions) are prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 41 of May 31, 2017 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2019; provided, however, that the provisions of the following Article and Article 48 of the Supplementary Provisions come into effect as of the date of promulgation.

(Delegation to Cabinet Order)

Article 48 Beyond what is provided for in these Supplementary Provisions, the transitional measures necessary in connection with the enforcement of this Act are prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 51 of June 2, 2017 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of the following Article and Article 9 of the Supplementary Provisions come into effect as of the date of promulgation.

(Preparations before Enforcement)

Article 2 (1) Even before the date on which this Act comes into effect (hereinafter referred to as the "date of enforcement"), the Minister of the Environment may establish national guidelines for the conservation of rare species of wild fauna and flora referred to in Article 6, paragraph (1) of the Act on Conservation of Endangered Species of Wild Fauna and Flora amended by this Act (hereinafter referred to as the "new Act"), pursuant to the provisions of the same Article.

(2) The national guidelines for the conservation of rare species of wild fauna and flora referred to in Article 6, paragraph (1) of the new Act established pursuant to the provisions of the preceding paragraph is deemed to be established pursuant to the provisions of Article 6 of the new Act on the date of enforcement.

(Transitional Measures for Orders to Take Measures Related to Capture and Other Actions or Transfer)

Article 3 An order issued before the date of enforcement under the provisions of Article 11, paragraph (1) or Article 14 of the Act on Conservation of

Endangered Species of Wild Fauna and Flora prior to amendment by this Act (hereinafter referred to as the "former Act") is deemed to be an order issued under the relevant provisions of Article 11, paragraph (3) or Article 14, paragraph (3) of the new Act.

(Transitional Measures for Registration of Individuals)

- Article 4 (1) Any individual, etc. which has actually been registered under Article 20, paragraph (1) of the former Act at the time this Act comes into effect is deemed to be registered under Article 20, paragraph (1) of the new Act on the date of enforcement.
- (2) Any registration card which has actually been issued pursuant to the provisions of Article 20, paragraph (3) of the former Act at the time this Act comes into effect is deemed to be a registration card issued pursuant to the provisions of Article 20, paragraph (3) of the new Act. In this case, the provisions of paragraph (4) of the same Article (limited to the portion related to items (iii) through (v)) do not apply to the registration card.
- (3) If registration of an individual, etc. (limited to registration of an individual, etc. which is among those specified by Ministry of the Environment Order referred to in Article 20-2, paragraph (1) of the new Act) which is deemed to be registered under Article 20, paragraph (1) of the new Act pursuant to the provisions of paragraph (1) is renewed for the first time after the date of enforcement, the phrase "no more than five years prescribed by Ministry of the Environment Order (referred to as the "validity period" in paragraphs (3) and (4))" in Article 20-2, paragraph (1) of the new Act is deemed to be replaced with "five years commencing on the date on which the registration was obtained under Article 20, paragraph (1) prior to amendment by the Act Partially Amending the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 51 of 2017) (hereinafter referred to as the "amendment act" in this paragraph) (hereinafter referred to as the "former registration" in this paragraph) (or, if the date on which the former registration was obtained falls between the date ten years prior to the date on which the amendment act came into effect (hereinafter referred to as the "amendment act enforcement date" in this paragraph) and the date three years prior to the date preceding the amendment act enforcement date, two years commencing on the amendment act enforcement date, or if the date on which the former registration was obtained is on or before the date ten years prior to the date preceding the amendment act enforcement date, one year commencing on the amendment act enforcement date).

(Transitional Measures for Specified National Species Businesses and Specified International Species Businesses)

Article 5 If, prior to the date of enforcement, a number corresponding to the number assigned to a notification referred to in Article 30, paragraph (3) of the new Act (including as applied mutatis mutandis pursuant to paragraph (6) of the same Article and Article 33-5 of the new Act; the same applies hereinafter in this Article) (hereinafter referred to as the "notification number" in this paragraph) has been notified to the person that made a notification under Article 30, paragraph (1) or (2) or Article 33-2 of the former Act (excluding the person prescribed in paragraph (1) of the following Article), the first-mentioned number is deemed to be the notification number and the notice given to the person is deemed to be the notice of the notification number given pursuant to the provisions of Article 30, paragraph (3) of the new Act. In this case, the phrase "Upon receipt of a notification under the provisions of paragraph (1), the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries must notify the person who made the notification of the number assigned to the notification and" in the same paragraph is deemed to be replaced with "Promptly after the Act Partially Amending the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 51 of 2017) (hereinafter referred to as the "amendment act" in this paragraph) comes into effect, the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries," and the phrase "that number" in the same paragraph is deemed to be replaced with "the number which is deemed to be the number prescribed in Article 5 of the Supplementary Provisions of the amendment act pursuant to the provisions of the same Article".

(Transitional Measures for Special International Species Business Operators)

Article 6 (1) A person which has actually made notification pursuant to the provisions of Article 33-2 of the former Act and which actually engages in a business constituting a special international species business prescribed in Article 33-6, paragraph (1) of the new Act at the time this Act comes into effect is deemed to have been registered under the same paragraph on the date of enforcement.

(2) If registration of a person which is deemed to have been registered under Article 33-6, paragraph (1) of the new Act pursuant to the provisions of the preceding paragraph is renewed for the first time after the date of enforcement, the phrase "five years" in Article 33-10, paragraph (1) of the new Act is deemed to be replaced with "three years commencing on the date on which the Act Partially Amending the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 51 of 2017) (hereinafter referred to as the "amendment act" in this paragraph) comes into effect (hereinafter referred to as the "amendment act enforcement date" in this paragraph)" (or, if the date on which the notification was made pursuant to the provisions of Article 33-2

prior to amendment by the amendment act is on or before March 17, 1999, one year and six months commencing on the amendment act enforcement date)," and the phrase "at an interval of that period" is deemed to be replaced with "no later than the date on which that period expires".

- (3) If, prior to the date of enforcement, a number corresponding to the registration number referred to in Article 33-6, paragraph (4) of the new Act has been notified to the person that made a notification under the provisions of Article 33-2 of the former Act (limited to a person that is deemed to have been registered under Article 33-6, paragraph (1) of the new Act pursuant to the provisions of paragraph (1)), the first-mentioned number is deemed to be the registration number referred to in Article 33-6, paragraph (4) of the new Act and the notice given to the person is deemed to be the notice of the registration number given pursuant to the provisions of paragraph (5) of the same Article.

(Transitional Measures for Business Registration Organizations)

Article 7 (1) In the application of the provisions of Article 33-15, paragraph (4), item (i) of the new Act, a person who graduated from, a university or technical college under the School Education Act (Act No. 26 of 1947) after completing a course in veterinary medicine or any other discipline required for the identification of body parts, etc. equivalent to special specified body parts, etc. (meaning the special specified body parts, etc. prescribed in Article 33-6, paragraph (1) of the new Act; the same applies hereinafter in this paragraph and the following paragraph) prior to the date of enforcement is deemed to be a person who graduated from a university or technical college under the School Education Act after completing a course in veterinary medicine or any other discipline required for the identification of special specified body parts, etc., and the person's practical experience after the person's completion of the relevant course and graduation and prior to the date of enforcement in the identification of body parts, etc. equivalent to special specified body parts, etc. is deemed to be the person's practical experience in the identification of special specified body parts, etc.

- (2) A person who has continuously been enrolled in a course in veterinary medicine or any other discipline required for the identification of body parts, etc. equivalent to special specified body parts, etc. at a university or a college of technology under the School Education Act since before the date of enforcement and who completes the relevant course and graduates after the date of enforcement is deemed to be a person who graduated from, a university or a college of technology under the same Act after completing a course in veterinary medicine or any other discipline required for the identification of special specified body parts, etc..

(Transitional Measures for Penal Provisions)

Article 8 Prior laws continue to govern the applicability of penal provisions to conduct engaged in before the date of enforcement.

(Delegation to Cabinet Order)

Article 9 Beyond what is provided for in Articles 3 through 5 of the Supplementary Provisions, the transitional measures necessary for the enforcement of this Act (including transitional measures for penal provisions) are prescribed by Cabinet Order.

(Consideration)

Article 10 Upon the elapse of five years after the date of enforcement, the national government is to consider the status of enforcement of the provisions of the new Act and, if found necessary, is to take necessary measures based on the results of the consideration.

**Supplementary Provisions [Act No. 37 of June 14, 2019 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which three months have elapsed from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the dates specified respectively in those items:

- (i) the provisions of Articles 40, 59, and 61, the provisions of Article 75 (limited to those amending Article 34-20 of the Child Welfare Act), the provisions of Articles 85 and 102, the provisions of Article 107 (limited to those amending Article 26 of the Act for Protection of Children Adopted Through Private Adoption Agencies), the provisions of 111, 143, 149, and 152, the provisions of Article 154 (limited to those amending Article 25, item (vi) of the Act on Real Estate Appraisal), and the provisions of Article 168, the following Article, and Articles 3 and 6 of the Supplementary Provisions: the date of promulgation;
- (ii) and (iii) omitted.
- (iv) the provisions of Article 171: the latter of the date on which the Act Partially Amending the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 51 of 2017) comes into effect or the date of promulgation of this Act.

(Transitional Measures for Acts by Administrative Authorities)

Article 2 Prior laws continue to govern the effect of any disposition or other act

rendered by an administrative authority pursuant to the provisions of laws prior to amendment by this Act or of orders under those laws (limited to disqualifying provisions and other provisions prescribing measures for limiting rights) before the date on which this Act (or, in the case of the provisions set forth in the items of the preceding Article, those provisions; the same applies hereinafter in this Article and the following Article) comes into effect, as well as the effect of any loss of employment arising from those provisions.

(Transitional Measures for Penal Provisions)

Article 3 Prior laws continue to govern the applicability of penal provisions to conduct engaged in before this Act comes into effect.

(Consideration)

Article 7 Within one year after the promulgation of this Act, the national government is to consider those provisions of the Companies Act (Act No. 86 of 2005) and the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) that restrict a person's eligibility to be a corporate officer on the grounds of being an adult ward or a person under curatorship, and is to delete those provisions or take other necessary legislative measures based on the results of the consideration.