

Act on Japanese Agricultural Standards

(Act No. 175 of May 11, 1950)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to enact appropriate and rational standards in the field of agriculture, forestry, and fishery, ensuring that certification and testing, etc. are undertaken appropriately, and to improve the quality of agricultural and forestry products in domestic and international rationalizing and streamlining production, sale, and other handling thereof, and facilitate smooth transactions in agricultural and forestry products and expand opportunities for general consumers to make reasonable choices concerning products, by taking measures to ensure proper quality labeling of agricultural and forestry products excluding food and drinks, and thereby contribute to the sound development of industries related to agriculture, forestry, and fishery, and contribute in protecting the interests of general consumers.

(Definitions)

Article 2 (1) For the purpose of this Act, the term "agricultural and forestry product" means products that fall under any of the following categories, with the exception of drugs, quasi-drugs, cosmetics, and regenerative medical products as provided in the Act on Securing Quality, Efficacy and Safety of Products Including Pharmaceuticals and Medical Devices (Act No. 145 of 1960):

(i) food and drinks, oils and fats; and

(ii) agricultural, forestry, livestock, and marine products as well as products manufactured or processed using these products as materials or ingredients (except those listed in the preceding item), and specified by Cabinet Order.

(2) For the purpose of this Act, the term "standard" means the criteria for the following matters (the criteria for the alcoholic beverages are specified in item (i), (b)) and for the labeling thereof (including labeling of the name and source of origin; the same applies hereinafter), and the term "Japanese Agricultural Standard" means the standard enacted pursuant to the provisions of the following Article:

(i) the following matters concerning agricultural and forestry products:

(a) quality, such as grade, composition, and performance (including the condition of the products, such as their shape, size, quantity, packing, and packaging; the same applies hereinafter);

(b) production process (alcoholic beverages are to be limited to only those produced or processed by using exclusively the ingredients or raw materials that have been produced from those agricultural products, that meet the requirements specified by Cabinet Order as those produced in such a way as to have least environmental impacts, or livestock products that meet the requirements specified by Cabinet Order as those produced in such a way as to inflict least pain or suffering on the animals); and

(c) distribution process;

(ii) the methods of production, sale, or other handling of agricultural and forestry products, or management control of those that are engaged in any of the foregoing businesses (hereinafter "handling, etc. of agricultural and forestry products") (except those listed in the following item; the same applies hereinafter);

(iii) the methods of testing, analysis, measurement, appraisal, inspection and assay (hereinafter "testing, etc.") concerning agricultural and forestry products; and

(iv) the matters provided by order of the competent ministry as equivalent to matters listed in the preceding three items.

(3) For the purpose of this Act, the term "accredited certification body" means a person who has been accredited as such by the competent minister pursuant to

the provisions of Article 16, paragraph (1) and the term "accredited overseas certification body" means a person who has been accredited as such by the competent minister pursuant to the provisions of the same paragraph as applied *mutatis mutandis* pursuant to Article 36.

- (4) For the purpose of this Act, the term "equivalency recognition" means that "the foreign governmental organizations recognize the equivalency between the Japanese Agricultural Standard grading system for each type of agricultural and forestry products and their relevant foreign grading system and allow the relevant operators to label their agricultural and forestry products (graded under the relevant Japanese Agricultural Standards) in accordance with the relevant foreign grading system".

Chapter II Enactment of Japanese Agricultural Standards

(Enactment of Japanese Agricultural Standards)

Article 3 (1) If the competent minister finds that the Japanese Agricultural Standards should be enacted to obtain the objectives provided in Article 1, the minister is to designate a type of agricultural and forestry product, or division of methods of handling, etc. of agricultural and forestry products, method of testing, etc. or matters listed in paragraph (2), item (iv) of the preceding Article, and enact a standard thereon.

- (2) When a standard as provided in the preceding paragraph is enacted, the current situation and outlook on the quality or production, sale, or other handling of agricultural and forestry products, or transactions in agricultural and forestry products, and trends in international standardization are considered, the intent of persons having a substantial interest are to be reflected, and any parties being under similar conditions are not to be unfairly discriminated against in its application.

- (3) When the competent minister enacts criteria pursuant to the provisions of paragraph (1) for a food or drink (excluding alcoholic beverages.), or an agricultural and forestry product designated by Cabinet Order referred to in Article 59, paragraph (1), the minister is not to enact criteria for labeling of its quality; however, this does not apply if criteria for labeling of quality are enacted for matters other than those specified in the Food Labeling Standards provided in Article 4, paragraph (6) of the Food Labeling Act (Act No. 70 of 2013) and those prescribed in Article 59, paragraph (1).

- (4) When the competent minister intends to enact a standard pursuant to the provisions of paragraph (1), the minister, in advance, goes through the resolution process of the council, etc. (the agency prescribed in Article 8 of the National Government Organization Act (Act No. 120 of 1948)) for which is provided by Cabinet Order (hereinafter "council").

Article 4 (1) A prefecture or interested person, pursuant to order of the competent ministry, may propose to the competent minister that a Japanese Agricultural Standard should be enacted, accompanied by an original bill therefore.

(2) If the competent minister receives such a proposal pursuant to the provisions of the preceding paragraph, the minister must promptly consider the proposal, and if the minister finds that a Japanese Agricultural Standard regarding the proposal should be enacted, the minister is to prepare a draft of a Japanese Agricultural Standard, and submit the draft to the council for deliberation, but if the minister determines that enactment of the proposed Japanese Agricultural Standard is not necessary, the minister must notify the proposing party of the determination, together with the reason therefore.

(3) If the competent minister intends to give a notification as specified in the preceding paragraph, the minister must hear the opinion of the council in advance.

(Confirmation, Amendment, and Abolishment of Japanese Agricultural Standards)

Article 5 The provisions of the preceding two Articles apply mutatis mutandis to the confirmation, amendment, or abolishment of a Japanese Agricultural Standard.

Article 6 By no later than the day which is five years from the date of the enactment, confirmation, or amendment of a Japanese Agricultural Standard that was enacted, confirmed, or amended pursuant to the provisions of Article 3 (including as applied mutatis mutandis pursuant to the preceding Article), the competent minister is to have the Japanese Agricultural Standard deliberated by the council as to whether or not it still remains appropriate, and must promptly confirm that it is or, if it determined necessary, amend or abolish it.

(Public Notification)

Article 7 (1) The enactment, amendment, or abolition of Japanese Agricultural Standards must be carried out by public notification at least thirty days in advance to the specified enforcement date.

(2) The confirmation of Japanese Agricultural Standards must be carried out by a public notification.

(Prohibition of Reference to the Japanese Agricultural Standards)

Article 8 It is prohibited for any person to refer to any standard that is not a

Japanese Agricultural Standard as "日本農林規格" (pronounced "nihon nourin kikaku" and with the literal meaning of "Japanese Agricultural Standard") or any other name that might be confused therewith.

(Public Hearings)

Article 9 (1) The competent minister may hold a public hearing to hear the opinions of interested persons as to whether a Japanese Agricultural Standard should be enacted, or on a Japanese Agricultural Standard to be enacted whenever the minister deems it necessary.

(2) Any persons having a substantial interest in a Japanese Agricultural Standard may request the competent minister to hold a public hearing concerning whether or not such Japanese Agricultural Standard reflects the intent of all persons having a substantial interest and does not unfairly discriminate in its application against any parties being under similar conditions.

(3) The competent minister must hold the public hearing upon receipt of a request as specified in the preceding paragraph.

(4) The competent minister is to investigate facts made clear at the public hearings, and if the minister deems it necessary to amend the relevant Japanese Agricultural Standard, the minister must submit the matters to the council to have the amendment appropriately deliberated.

(5) Beyond the matters specified in the preceding paragraphs, matters required in respect to public hearings are provided for in order of the competent ministry.

Chapter III Grading in Accordance with Japanese Agricultural Standards

Section 1 Grading

(Grading)

Article 10 (1) A person who is engaged in a business of producing, selling, or otherwise handling agricultural and forestry products in Japan (hereinafter "product handler"), as provided for by order of the competent ministry, having obtained a certification from an accredited certification body for each farm, factory, or place of business and each type of agricultural and forestry product, may evaluate whether or not the person's products pertaining to the relevant certification comply with the relevant Japanese Agricultural Standard (limited to the criteria for the matters provided in Article 2, paragraph (2), item (i), (a); the same applies in Article 30, paragraph (1)) and affix to the relevant product, its package, container, or invoice, a special label in accordance with the method specified in order of the competent ministry indicating the relevant product's conformity with the Japanese Agricultural Standard (hereinafter "grade label").

- (2) A manager or controller for a production process of agricultural and forestry products in Japan, such as a person who is engaged in a business of producing agricultural and forestry products in Japan and is specified by order of the competent ministry, (hereinafter "production process manager"), as provided for by order of the competent ministry, having obtained a certification from an accredited certification body for each farm, factory, or place of business and each type of agricultural and forestry product, may evaluate whether or not the person's products pertaining to the relevant certification comply with the relevant Japanese Agricultural Standard (limited to the criteria for the matters provided in Article 2, paragraph (2), item (i), (b); the same is to apply in Article 30, paragraph (2)) and affix a grade label to the relevant product, its package, container, or invoice.
- (3) A manager or controller for a distribution process of agricultural and forestry products in Japan, such as a person who is engaged in a business of distributing agricultural and forestry products in Japan and is specified by order of the competent ministry, hereinafter "distribution process manager", as provided for by order of the competent ministry, having obtained a certification from an accredited certification body for each distribution process and type of agricultural and forestry product, may evaluate whether or not the person's products pertaining to the relevant certification comply with the relevant Japanese Agricultural Standard (limited to the criteria for the matters provided in Article 2, paragraph (2), item (i), (c); the same applies in Article 30, paragraph (3)) and affix a grade label to the relevant product, its package, container, or invoice.
- (4) The grading under the preceding three paragraphs is carried out based on the inspection specified in each of the following items for criteria set forth in the respective items:
- (i) for the criteria listed in Article 2, paragraph (2), item (i), (a): The inspection of the agricultural and forestry product in accordance with order of the competent ministry;
 - (ii) for the criteria listed in Article 2, paragraph (2), item (i), (b): The inspection of the production process of the agricultural and forestry product in accordance with order of the competent ministry;
 - (iii) for the criteria listed in Article 2, paragraph (2), item (i), (c): The inspection of the distribution process of the agricultural and forestry product in accordance with order of the competent ministry.
- (5) The product handler who has obtained the certification referred to in paragraph (1) (hereinafter "certified quality product handler"), the production process manager who has obtained the certification referred to in paragraph (2) (hereinafter "certified production process manager"), or the distribution process manager who has obtained the certification referred to in paragraph (3)

(hereinafter "certified distribution process manager"), when deemed particularly necessary for efficient labeling, may affix to the relevant agricultural and forestry product, its package, container, or invoice, the grade label to which the certification pertains prior to the grading pursuant to the provisions of the relevant paragraphs.

- (6) The agricultural and forestry product, is not be transferred, consigned for transfer, or displayed for transfer before the grading is carried out pursuant to the provisions of paragraphs (1) through (3), provided that the grade label is affixed to the relevant agricultural and forestry product itself or its package, container, or invoice pursuant to the provisions of the preceding paragraph.
- (7) The certified quality product handler, the certified production process manager, or the certified distribution process manager who has affixed the grade label to the agricultural and forestry product, or its package, container, or invoice pursuant to the provisions of paragraph (5) when it becomes evident that the label does not conform to the result of the grading pursuant to the provisions of paragraphs (1) through (3) regarding the relevant agricultural and forestry product, must remove or delete the label without delay.
- (8) When the certified distribution process manager takes over from another certified distribution process manager or the certified overseas distribution process manager provided in Article 30, paragraph (4), the management or control of a distribution process of the agricultural and forestry product to which the grade label (limited to that regarding the criteria for the matters provided in Article 2, paragraph (2), item (i), (c); the same applies in this paragraph, Article 30, paragraph (4) and Article 41, paragraph (2)) is affixed (including the agricultural and forestry product that carries the grade label on its package, container, or invoice), the referenced grade label is deemed to be a grade label affixed by the certified distribution process manager pursuant to the provisions of paragraph (5) in applying the provisions of the preceding two paragraphs.
- (9) The technical criteria for the certification listed in paragraphs (1) through (3) are prescribed by order of the competent ministry.

(Grade Labeling by a Re-packer)

Article 11 (1) A business that subdivides consignments of agricultural and forestry products in Japan, including one who subdivides and sells them on their own, (hereinafter "re-packer"), as provided for by order of the competent ministry having obtained a certification from an accredited certification body for each place of business and type of agricultural and forestry product, may affix the same grade label as the one that has been affixed on the agricultural and forestry product pertaining to the certification (including those carrying the grade label on its package, container, or invoice; the same applies in Article

12-2, paragraph (1) and Article 31, paragraph (1)) to the relevant product, its package, container, or invoice after the subdivision of the consignment.

(2) The provisions of paragraph (9) of the preceding Article apply mutatis mutandis to the certification of the provisions of the preceding paragraph.

(Grade Labeling by Importers)

Article 12 (1) A person who is engaged in a business of importing agricultural and forestry products (hereinafter "importer"), as provided for by order of the competent ministry, having obtained a certification from an accredited certification body for each place of business and type of agricultural and forestry product, may affix a grade label to the relevant agricultural and forestry product pertaining to the certification, its package, container, or invoice to which a certificate or its copy for matters specified by order of the competent ministry is attached upon the import.

(2) The certificate prescribed in the preceding paragraph is limited to one issued by the governmental organizations, including bodies recognized as equivalent to the organizations by the competent minister, of foreign countries which are designated by order of the competent ministry as those that have a grading system equivalent to the grading system under the Japanese Agricultural Standard concerning the agricultural and forestry product.

(3) Upon the designation set forth in the preceding paragraph, the competent minister must issue a public notification without delay on the name and other matters of the bodies recognized as equivalent to governmental organizations as provided for by order of the competent ministry.

(4) The provisions of Article 10, paragraph (9) apply mutatis mutandis to the certification of the provisions of paragraph (1).

(Foreign Grade Labeling)

Article 12-2 (1) The product handler, the production process manager or the distribution process manager, who intends to export agricultural and forestry products, having obtained a certification from an accredited certification body for each place of business and each type of agricultural and forestry product, pursuant to the order of the competent ministry, may affix such labels on the relevant products or their packages, containers or invoices, which show that the relevant grading has been done in accordance with the grading system of the foreign countries recognized as equivalency as specified by the order of the competent ministry (hereinafter "foreign grade label").

(2) The product handler, the production process manager or the distribution process manager who has obtained the certification referred to in the preceding paragraph (hereinafter "certified foreign grade labeling operator"), may carry out grading in accordance with the relevant provisions or, before affixing the

grade labels to the relevant agricultural and forestry products or their packages, containers, or invoices, affix the foreign grade labels to the relevant agricultural and forestry products, or their packages, containers, or invoices, the grade label to which the certification pertains, in cases where they are to obtain the certification pursuant to the provisions specified in the Article 10, paragraphs (1) through (3) and affix grade labels by themselves and it is particularly necessary for them to affix foreign grade labels efficiently as regards the relevant grade labeling.

- (3) Such agricultural and forestry product attached with the foreign grade label on the relevant products or their packages, containers or invoices pursuant to the provisions of the preceding paragraph, must not be transferred or consigned for transfer, before the grading is carried out pursuant to the provisions of Article 10, paragraphs (1) through (3) and grade labels are affixed to the relevant products or their packages, containers or invoices.
- (4) The certified foreign grade labeling operators, who have affixed the foreign grade labels to the agricultural and forestry products, or their packages, containers, or invoices pursuant to the provisions of paragraph (2), must remove or delete such foreign grade labels without delay, if it becomes clear that such grading labels would not be affixed to the relevant agricultural and forestry products or their packages, containers or invoices pursuant to the provisions of Article 10, paragraphs (1) through (3).
- (5) The provisions of Article 10, paragraph (9) apply mutatis mutandis to the certification specified in the provisions of paragraph (1).

Section 2 Compliance Label

Article 13 (1) The product handler, as provided for by order of the competent ministry, having obtained a certification from an accredited certification body for each division of the methods of handling, etc. of agricultural and forestry products, may affix a special label in accordance with the method specified by order of the competent ministry indicating that the methods of handling etc. of agricultural and forestry products complies with a Japanese Agricultural Standard (limited to the criteria for the matters provided in Article 2, paragraph (2), item (ii)) (hereinafter "compliance label") advertisements or other matters provided for by order of the competent ministry concerning the handling, etc. of the agricultural and forestry product (hereinafter "advertisement, etc.>").

- (2) The provisions of Article 10, paragraph (9) apply mutatis mutandis to the certification referred to in the provisions of the preceding paragraph.

Section 3 Accredited Certification Body

(Accreditation of an Accredited Certification Body)

- Article 14 (1) A person who seeks to be accredited as an accredited certification body (hereinafter in this Section referred to simply as "accreditation") (limited to one who is to perform the certification set forth in Article 10, paragraphs (1) through (3), Article 11, paragraph (1), Article 12, paragraph (1), Article 12-2, paragraph (1), paragraph (1) of the preceding Article, Article 30, paragraphs (1) through (3), Article 31, paragraph (1) or Article 33, paragraph (1) (hereinafter in this Section, Article 65, paragraph (1), Article 66, paragraph (1), and Article 75, paragraph (1) are referred to simply as the "certification") at place of business located in Japan) must make an application for accreditation to the competent minister, as provided for by order of the competent ministry, for each division as specified in order of the competent ministry, by paying an application fee in the amount specified in Cabinet Order which is to take into consideration the actual expenses.
- (2) If an application has been made pursuant to the provisions of the preceding paragraph and when the Minister of Agriculture, Forestry and Fisheries deems it necessary, the minister may have the Food and Agricultural Materials Inspection Center (hereinafter the "center") conduct the necessary investigations with regard to whether the relevant application complies with each of the items of Article 16, paragraph (1).

(Disqualification Clause)

- Article 15 Any person who falls under any of the following items may not be accredited:
- (i) a person who violates this Act or any disposition based on this Act and was sentenced to the penalty of heavier than fine and for whom one year has not elapsed since the date when the execution of the sentence was completed or the date when the person ceased to be amenable to the execution of the sentence;
 - (ii) a person whose accreditation was cancelled pursuant to the provisions of Article 26, paragraphs (1) through (3) or Article 35, paragraphs (1) through (3) and for whom one year has not elapsed since the date of cancellation (including an executive officer who was executing the business of the corporation concerning the cancellation of accreditation within thirty days prior to the date of cancellation and for whom one year has not elapsed since the date of cancellation if the person whose accreditation was cancelled is a corporation); or
 - (iii) A corporation whose executive officers fall under either of the preceding two items.

(Criteria for Accreditation)

Article 16 (1) When a person that has applied for the accreditation pursuant to the provisions of Article 14, paragraph (1) of (referred to as the "accreditation applicant" in item (ii)) complies with all of the following requirements, the competent minister must accredit the accreditation applicant. In this case, the necessary procedures related to the accreditation are provided for in order of the competent ministry.

- (i) the accreditation applicant is a person who complies with the criteria related to the organizations that perform the certification, the criteria which are specified by the International Organization for Standardization and the International Electrotechnical Commission and are specified for each type of agricultural and forestry product or for each division of methods of handling, etc. of agricultural and forestry products by the competent minister;
- (ii) The accreditation applicant does not fall under any of the following as a person controlled by a certified business operator (meaning a product handler, production process manager, distribution process manager, re-packer, overseas product handler (one who is engaged in a business of producing, selling, or otherwise handling agricultural and forestry products in an overseas country; the same applies hereinafter), overseas production process manager (one who is specified by order of the competent ministry as a person who is engaged in a business of producing agricultural and forestry products in an overseas country or other person who manages or controls a production process for agricultural and forestry products in an overseas country; the same applies hereinafter), overseas distribution process manager (one who is specified by order of the competent ministry as a person who is engaged in a business of selling agricultural and forestry products in an overseas country or other person who manages or controls a distribution process for the agricultural and forestry products in an overseas country; the same applies hereinafter) or overseas re-packer (one who is engaged in a business of subdividing consignments of agricultural and forestry products in an overseas country (including one who subdivides the consignments and sells them by on their own), the same applies hereinafter) of the agricultural and forestry product pertaining to the accreditation applicant's application, or product handler or overseas product handler who handles agricultural and forestry products by the methods of handling, etc. of agricultural and forestry products pertaining to the accreditation applicant's application; the same applies hereinafter):
 - (a) if the accreditation applicant is a corporation, the certified business operator is its parent company (the term "parent company" as specified in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005));
 - (b) the proportion of officers or employees of the certified business operator

- (including those who have been officers or employees of the certified business operator within the past two years) to officers of the accreditation applicant is over one-half; or
- (c) the accreditation applicant (including an officer having the right to represent the accreditation applicant in the case of a corporation) is an officer or employee of the certified business operator (or has been an officer or employee of the certified business operator within the past two years).
- (2) The accreditation is implemented by recording the following particulars in the accreditation directory of accredited certification bodies:
- (i) date of accreditation and accreditation number;
 - (ii) name and address of the accredited certification body, and, in the case of a corporation, the name of the representative;
 - (iii) division of agricultural and forestry product or division of methods of, handling, etc. of agricultural and forestry products for which the accredited certification body is to perform the certification;
 - (iv) area, and address of the place of business, in which the accredited certification body is to perform the certification.
- (3) Upon the accreditation, the competent minister must issue a public notification without delay on the particulars listed in each item in the preceding paragraph.

(Renewal of the Accreditation)

- Article 17 (1) An accreditation expires by lapse of time unless it is renewed within each of the periods of not less than three years specified by Cabinet Order.
- (2) The provisions of the preceding three Articles apply mutatis mutandis to the renewal of the accreditation in the preceding paragraph.
- (3) When an application for renewal of accreditation is made pursuant to paragraph (1), and the disposition for the application is not completed by the expiration date of the period in that paragraph (hereinafter in this Article "effective period of accreditation"), the previous accreditation is effective after the expiration of the effective period of accreditation until the relevant disposition is completed.
- (4) In the case of the preceding paragraph, when the accreditation is renewed, the effective period of accreditation is calculated from the day following the date of expiration of the effective period of the previous accreditation.
- (5) When an application for renewal of an accreditation pursuant to the provisions of paragraph (1) is not made no later than six months prior to the expiration date of the effective period of accreditation or an accreditation expires pursuant to the provisions of that paragraph, the competent minister must issue a public notification on the same without delay.

(Succession)

Article 18 (1) If an accredited certification body has assigned all of its business relating to the relevant accreditation, or inheritance, merger, or split of an accredited certification body (limited to cases where all of the business related to the relevant accreditation is being succeeded to), the person who acquires the whole of that business or an heir (if there are two or more heirs and the heirs that will succeed to the business is selected by their unanimous consent, that person; hereinafter the same applies in Article 46, paragraph (1)), the corporation surviving the merger, or the corporation founded after the merger, or the corporation succeeding to the whole of the business due to the company split succeeds to the status of the establisher of the accredited certification body.

(2) The person that has succeeded to the position of the accredited certification body pursuant to the provisions of the preceding paragraph must notify the competent minister without delay, attaching written verification of those facts.

(Performance of Certification Operations)

Article 19 (1) When an accredited certification body has been requested to undertake a certification, it must conduct an evaluation for the certification without delay unless it has a justifiable reason.

(2) An accredited certification body must undertake certification, cancellation, and other certification operations fairly and in the method that complies with the criteria specified by order of the competent ministry.

(3) An accredited certification body must report to the competent minister the names, addresses, and other data required by order of the competent ministry of the certified business operator pursuant to the provisions of order of the competent ministry.

(4) In the event that an accredited certification body receives a request from another accredited certification body to provide relevant information it holds (only a limited range of information accredited certification bodies need to obtain from other accredited certification bodies to facilitate their certification activities, as specified by the ordinance of competent ministry), it must provide another accredited certification with the relevant information upon request unless it has a justifiable reason.

(Notification of the Change of Place of Business)

Article 20 (1) If an accredited certification body intends to change the location of its place of business in which it performs the certification operations, it must notify the competent minister no later than two weeks prior to the date on which it is to change the same.

- (2) Upon the receipt of notification set forth in the preceding paragraph, the competent minister must issue a public notification without delay.

(Business Operating Rules)

Article 21 (1) An accredited certification body must enact its rules for certification operations (referred to as the "business operating rules" in the following paragraph) and notify the same with the competent minister prior to the commencement of its certification operations. The same applies when it intends to change its business operating rules.

- (2) The business operating rules must include the method of undertaking the certification, the method of calculating charges and fees related to the certification, and other matters as specified in order of the competent ministry.

(Suspension or Abolition of Operations)

Article 22 (1) If an accredited certification body intends to abolish, or suspend all or part of its certification operations, it must notify the fact to the competent minister no later than six months prior to the date on which it is to suspend or abolish the certification operations as provided for by order of the competent ministry.

- (2) Upon the receipt of notification set forth in the preceding paragraph, the competent minister must issue a public notification without delay.

(Keeping and Inspecting of Financial Statements)

Article 23 (1) Within three months after the end of each business year, an accredited certification body must prepare a list of assets or a balance sheet, a profit and loss statement or a settlement of accounts, and business reports (if these documents are prepared as electronic or magnetic records (meaning records used in computerized information processing which is created in electric form, magnetic form, or any other form that cannot be perceived by the human senses; the same applies hereinafter), or electronic or magnetic records are prepared instead of preparing the documents, such electronic or magnetic records must be included; these documents hereinafter are referred to as "financial statements, etc.") and keep them in its place of business for five years.

- (2) The certified business operator and other interested persons may request items listed as follows at any time during the office hours of an accredited certification body; however, for the request of item (ii) or (iv), one must pay expenses set by the accredited certification body:

- (i) request for browsing or photocopying of the financial statements, etc., if they are provided in the form of paper;
- (ii) request for the transcript or extract of documents mentioned in the

- previous item;
- (iii) when the financial statements, etc. are provided in electronic or magnetic form, the request to browse or photocopy the contents displayed in accordance with order of the competent ministry;
 - (iv) request to obtain the electronic or magnetically recorded content mentioned in the previous item in an electronic or magnetic form (using an electronic data processing system or technology for information and communication as specified by order of the competent ministry) or request to obtain the relevant content in paper form.

(Compliance Order)

Article 24 When the competent minister recognizes that an accredited certification body has ceased to comply with the standards prescribed in the items under Article 16, paragraph (1), the minister may order the accredited certification body to take necessary measures to comply with the relevant standards.

(Improvement Order)

Article 25 When the competent minister finds that an accredited certification body has violated the provisions of Article 19, the minister may order the relevant accredited certification body to carry out the certification operations or take necessary measures to improve the certification method or other business methods.

(Cancellation of Accreditation)

Article 26 (1) If an accredited certification body falls under any of the items under Article 15, the competent minister must cancel its accreditation.

(2) If an accredited certification body falls under any of the following items, the competent minister may cancel the accreditation or order the accredited certification body to suspend all or part of its certification operations for a fixed period of not more than one year:

- (i) when the accredited certification body violates the provisions of Article 19, Article 20, paragraph (1), Article 21, paragraph (1), Article 22, paragraph (1), Article 23, paragraph (1) or the Article that follows;
- (ii) when the accredited certification body refuses requests pursuant to the provisions of the items in Article 23, paragraph (2) without justifiable causes;
- (iii) when the accredited certification body violates an order pursuant to the preceding two Articles; or
- (iv) when the accredited certification body was accredited by wrongful means.

(3) Beyond the cases prescribed in the preceding two paragraphs, when the

accredited certification body, without justifiable causes, does not commence its certification operations pertaining to the relevant accreditation after the passage of one year from the date of accreditation or suspends the certification operations continuously for more than one year, the competent minister may cancel the relevant accreditation.

- (4) If the competent minister intends to conduct a hearing concerning any of the dispositions under the provisions of the preceding three paragraphs, the minister must give notice pursuant to the provisions of Article 15, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993) no later than one week prior to the date of hearing and also issue a public notification on the date and location of the hearing.
- (5) The proceeding at the date of hearing set forth in the preceding paragraph must be open to the public.
- (6) Upon the dispositions under the provisions of paragraphs (1) through (3), the competent minister must issue a public notification without delay.

(Bookkeeping)

Article 27 An accredited certification body must prepare books and state in the books the matters concerning the certification operations specified in order of the competent ministry, and keep them pursuant to the provisions of order of the competent ministry.

(Confidentiality Obligation)

Article 28 A person who is or used to be an accredited certification body, or its officer or employee must not divulge any secret which has come to the person's knowledge concerning the certification operations, or use the same for the person's own interest.

(Prohibition of Use of the Name of the Japanese Agricultural Standards Accredited Certification Body)

- Article 29 (1) Anyone who is not an accredited certification body must not use the name of "日本農林規格登録認証機関" (pronounced "nihon nourin kikaku touroku ninshou kikan" and with the literal meaning of "the Japanese Agricultural Standards Accredited Certification Body") or any other confusing name therewith.
- (2) An accredited certification body must not use the name of "日本農林規格登録認証機関"(pronounced "nihon nourin kikaku touroku ninshou kikan" and with the literal meaning of "the Japanese Agricultural Standards Accredited Certification Body") or any other confusing name therewith for any agricultural and forestry product other than its accredited agricultural and forestry products. The same applies to any methods of handling, etc. of

agricultural and forestry products other than the accredited methods of handling, etc.

Section 4 Grading in Overseas Countries

(Grading)

- Article 30 (1) A overseas product handler, as provided for by order of the competent ministry, having obtained a certification from an accredited certification body or accredited overseas certification body for each farm, factory, or place of business in a overseas country and each type of agricultural and forestry product, may evaluate whether or not the products pertaining to the relevant certification comply with the relevant Japanese Agricultural Standard and affix a grade label to the relevant product, its package, container, or invoice.
- (2) A overseas production process manager, as provided for by Order of the Competent Ministry, having obtained a certification from an accredited certification body or accredited overseas certification body for each farm, factory, or place of business in a overseas country and each type of agricultural and forestry product, may evaluate whether or not the products pertaining to the relevant certification comply with the relevant Japanese Agricultural Standard and affix a grade label to the relevant product, its package, container, or invoice.
- (3) A overseas distribution process manager, as provided for by order of the competent ministry, having obtained a certification from an accredited certification body or accredited overseas certification body for each distribution process and type of agricultural and forestry product, may evaluate whether or not the products pertaining to the relevant certification comply with the relevant Japanese Agricultural Standard and affix a grade label to the relevant product, its package, container, or invoice.
- (4) When the overseas distribution process manager who has obtained the certification referred to in the preceding paragraph (hereinafter "certified overseas distribution process manager") takes over from another certified overseas distribution process manager or a certified distribution process manager, the management or control of a distribution process of the agricultural and forestry product to which the grade label is affixed (including the agricultural and forestry product that carries the grade label on its package, container or invoice), the referenced grade label is deemed to be a grade label affixed by the certified overseas distribution process manager pursuant to the provisions of Article 10, paragraph (5) as applied mutatis mutandis pursuant to the following paragraph in applying the provisions of paragraphs (6) and (7) of that Article as applied mutatis mutandis pursuant to

the following paragraph.

- (5) The provisions of Article 10, paragraphs (4) through (7) applies mutatis mutandis to the overseas product handler who has obtained the certification referred to in paragraph (1) (hereinafter "certified quality overseas product handler"), the overseas production process manager who has obtained the certification referred to in paragraph (2) (hereinafter "certified overseas production process manager"), and the certified overseas distribution process manager, and the provisions of paragraph (9) of that Article applies mutatis mutandis to the certification referred to in the provisions of paragraphs (1) through (3). In these cases, "the preceding three paragraphs" in paragraph (4) of that Article and "the provisions of paragraphs (1) through (3)" in paragraphs (6), (7), and (9) of that Article are deemed to be replaced with "Article 30, paragraphs (1) through (3)".

(Grade Labeling by a Overseas Re-packer)

- Article 31 (1) A overseas re-packer, as provided for by order of the competent ministry, having obtained a certification from an accredited certification body or accredited overseas certification body for each place of business in a overseas country and each type of agricultural and forestry product, may affix the same grade label as has been affixed on the agricultural and forestry product, its package, container, or invoice to the relevant product, its package, container, or invoice after the subdivision of the consignment.
- (2) The provisions of Article 10, paragraph (9) apply mutatis mutandis to the certification referred to in the provisions of the preceding paragraph.

(Public Notification of a Certified Quality Overseas Product Handler)

- Article 32 Upon receipt of a report pursuant to the provisions of Article 19, paragraph (3) (including the cases to apply mutatis mutandis in Article 36), the competent minister must issue a public notification without delay of the particulars specified by order of the competent ministry such as the name or address of the certified quality overseas product handler, certified overseas production process manager, certified overseas distribution process manager, or an overseas re-packer who has obtained the certification referred to in paragraph (1) of the preceding Article (hereinafter "certified overseas re-packer") related to the relevant report.

Section 5 Label of Compliance in Overseas Countries

- Article 33 (1) A overseas product handler, as provided for by order of the competent ministry, having obtained a certification from an accredited certification body or accredited overseas certification body for each division of

methods of handling, etc. of agricultural and forestry products, may affix a compliance label on advertisement, etc. concerning the handling, etc. of the agricultural and forestry product.

- (2) The provisions of Article 10, paragraph (9) apply mutatis mutandis to the certification referred to in the provisions of the preceding paragraph.

Section 6 Accredited Overseas Certification Body

(Accreditation of an Accredited Overseas Certification Body)

Article 34 A person who seeks to be accredited as an accredited overseas certification body (hereinafter in this section referred to simply as the "accreditation") (limited to the one who is to perform the certification set forth in Article 30, paragraphs (1) through (3), Article 31, paragraph (1) or paragraph (1) of the preceding Article at place of business located in a overseas country (hereinafter in this section referred to simply as the "certification")) is to make an application for accreditation to the competent minister as provided for by order of the competent ministry, for each division as specified in order of the competent ministry, by paying an application fee in the amount specified in cabinet order which must take into consideration the actual expenses.

(Cancellation of Accreditation)

Article 35 (1) If an accredited overseas certification body falls under any of the items under Article 15 as applied mutatis mutandis in the following Article, the competent minister must cancel its accreditation.

- (2) If an accredited overseas certification body falls under any of the following items, the competent minister may cancel the accreditation or demand that the accredited foreign certification body suspend all or part of its certification operations for a fixed period of not more than one year:

- (i) when the accredited overseas certification body violates the provisions of Article 19, Article 20, paragraph (1), Article 21, paragraph (1), Article 22, paragraph (1), Article 23, paragraph (1) or Article 27 as applied mutatis mutandis in the following Article;
- (ii) when the accredited overseas certification body refuses requests under the provisions of the items in Article 23, paragraph (2) as applied mutatis mutandis in the following Article, without justifiable causes;
- (iii) when the accredited overseas certification body resists a demand under the provisions of Article 24 or Article 25 as applied mutatis mutandis in the following Article;
- (iv) when the accredited overseas certification body was accredited by wrongful means;
- (v) when the accredited overseas certification body fails to report or submit

- materials, or makes a false report or submits false materials in response to a request for a necessary report or submission of books, documents, or other materials on its certification operations by the competent minister which is within the limits necessary to enforce this Act;
- (vi) when the accredited overseas certification body refuses, interferes with, or evades an inspection within the limits necessary to enforce this Act concerning the certification ordered by the competent minister of the conditions of the accredited overseas certification body's operations, its books, documents, or other materials, carried out by Ministry of Agriculture, Forestry and Fisheries' employees or the center, at the accredited overseas certification body's office, place of business, or warehouse, or when the accredited overseas certification body, or its representative, agent, employee, or other worker fails to answer or gives a false answer to the inquiry made by Ministry of Agriculture, Forestry and Fisheries' officials or the center that has been ordered by the Minister of Agriculture, Forestry and Fisheries to make an inquiry within the limits necessary to enforce this Act; or
- (vii) when the accredited overseas certification body fails to bear the cost under paragraph (4).
- (3) Beyond the cases prescribed in the preceding two paragraphs, when the accredited overseas certification body falls under any of the following items, the competent minister may cancel the relevant accreditation:
- (i) when the accredited overseas certification body, without justifiable cause, does not commence its certification operations pertaining to the relevant accreditation after the passage of one year from the date of accreditation or suspends the operations of certification continuously for more than one year; or
- (ii) when the accredited overseas certification body is noncompliant in the case where the competent minister demanded, pursuant to the provisions of the preceding paragraph, that the accredited overseas certification body suspend all or part of its certification operations for a fixed period of not more than one year.
- (4) The cost required for the inspection as specified in paragraph (2), item (vi) of this Article (limited to those specified in Cabinet Order) is borne by the accredited overseas certification body subject to the relevant inspection.

(Application, Mutatis Mutandis)

Article 36 The provisions of Article 14, paragraph (2), Articles 15 through 25, Article 26, paragraphs (4) through (6) and Article 27 apply mutatis mutandis to an accredited overseas certification body. In this case, the term "the preceding paragraph" which appears in Article 14, paragraph (2) and "Article 14, paragraph (1)" which appears in Article 16, paragraph (1) is replaced with

"Article 34," the term "order" in Article 24 and Article 25 is replaced with "demand," the term "the preceding three paragraphs" which appears in Article 26, paragraph (4) is replaced with "Article 35, paragraphs (1) through (3)" the term "one week prior to the date" in that paragraph with "two weeks prior to the date" and the term "paragraphs (1) through (3)" which appears in paragraph (6) of that Article is replaced with "Article 35, paragraphs (1) through (3) ".

Section 7 Protection of Grade Label.

(Prohibition of Grade Labeling)

Article 37 (1) It is prohibited for any person to affix a grade label to any agricultural and forestry product, its package, container, or invoice or affix foreign grade label to any agricultural and forestry product, its package, container, or invoice in Japan (except in cases where such grade labels are affixed based on the certification or the equivalent under the relevant foreign governmental organizations or quasi-government institutions), except in the following cases:

- (i) if a certified quality product handler affixes a grade label pursuant to the provisions of Article 10, paragraph (1) or (5) to the agricultural and forestry product which the handler handles, or its package, container, or invoice;
- (ii) if a certified production process manager affixes a grade label pursuant to the provisions of Article 10, paragraph (2) or (5) to the agricultural and forestry product, the production process which the manager manages or controls, or its package, container, or invoice;
- (iii) if a certified distribution process manager affixes a grade label pursuant to the provisions of Article 10, paragraph (3) or (5) to the agricultural and forestry product, the distribution process which the manager manages or controls, or its package, container, or invoice;
- (iv) if a re-packer who has obtained the certification referred to in Article 11, paragraph (1) (hereinafter "certified re-packer") affixes a grade label pursuant to the provisions of the same paragraph to the subdivided agricultural and forestry product, or its package, container, or invoice;
- (v) if an importer who has obtained the certification referred to in Article 12, paragraph (1) (hereinafter "certified importer") affixes a grade label pursuant to the provisions of the same paragraph to the agricultural and forestry product which the importer imports, or its package, container, or invoice;
- (vi) if a certified foreign grade labeling operator affixes a foreign grade label to the agricultural and forestry product which is to be exported, or its package, container, or invoice, pursuant to the provisions of Article 12-2, paragraph

- (1) or (2);
- (vii) if a certified quality overseas product handler affixes a grade label pursuant to the provisions of Article 10, paragraph (5) as applied mutatis mutandis in Article 30, paragraph (1) or paragraph (5) of that Article to the agricultural and forestry product which the handler handles, or its package, container, or invoice;
- (viii) if a certified overseas production process manager affixes a grade label pursuant to the provisions of Article 10, paragraph (5) as applied mutatis mutandis in Article 30, paragraph (2) or paragraph (5) of that Article to the agricultural and forestry product pertaining to the production process which the manager manages or controls, or its package, container, or invoice;
- (ix) if a certified overseas distribution process manager affixes a grade label pursuant to the provisions of Article 10, paragraph (5) as applied mutatis mutandis in Article 30, paragraph (3) or (5) to the agricultural and forestry product pertaining to the distribution process which the manager manages or controls, or its package, container, or invoice; or
- (x) if a certified overseas re-packer affixes a grade label pursuant to the provisions of Article 31, paragraph (1) to the subdivided agricultural and forestry product, or its package, container, or invoice.
- (2) It is prohibited for any person to affix a grade label on advertisement, etc. concerning an agricultural and forestry product or the handling, etc. of the agricultural and forestry product except when affixing the relevant grade label on advertisement, etc. concerning the agricultural and forestry product to which a grade label is affixed pursuant to Article 10, paragraphs (1) through (3) or paragraph (5) (including as applied mutatis mutandis pursuant to Article 30, paragraph (5)), Article 11, paragraph (1), Article 12, paragraph (1), Article 30, paragraphs (1) through (3) or Article 31, paragraph (1) (including the agricultural and forestry product that carries the grade label on its package, container, or invoice).
- (3) It is prohibited for any person to affix a grade label to any certificate pertaining to a testing, etc.
- (4) It is prohibited for any person to affix any confusing label with a grade label to any agricultural and forestry product, its package, container, or invoice, advertisement, etc. concerning an agricultural and forestry product or handling, etc. of the agricultural and forestry product, or any certificate pertaining to testing, etc.

(Prohibition of Affixing a Compliance Label)

Article 38 (1) It is prohibited for any person to affix a compliance label to advertisement, etc. concerning any agricultural and forestry product the handling, etc. of the agricultural and forestry product except in the following

cases:

- (i) if a product handler who has obtained the certification referred to in Article 13, paragraph (1) (hereinafter "certified method product handler") affixes a compliance label pursuant to the provisions of that paragraph to the advertisement, etc. concerning a handling, etc. of agricultural and forestry product; or
 - (ii) if a overseas product handler who has obtained the certification referred to in Article 33, paragraph (1) (hereinafter "certified method overseas product handler") affixes a compliance label pursuant to the provisions of that paragraph on advertisement, etc. concerning the handling, etc. of agricultural and forestry product.
- (2) It is prohibited for any person to affix a compliance label to any agricultural and forestry product, or its package, container, invoice, or any certificate pertaining to testing, etc.
- (3) It is prohibited for any person to affix any confusing label with a compliance label on advertisement, etc. concerning an agricultural and forestry product or handling, etc. of agricultural and forestry product, any agricultural and forestry product, or its package, container, or invoice, or any certificate pertaining to testing, etc.

(Improvement Order)

- Article 39 (1) When the competent minister finds that a grading under the provisions of Article 10, paragraphs (1) through (3) of, or a grade label pursuant to these provisions or the provisions of paragraph (5) of that Article, Article 11, paragraph (1) or Article 12, paragraph (1) is inappropriate, the minister may order the certified quality product handler, certified production process manager, certified distribution process manager, certified re-packer, or certified importer which has conducted the grading or has affixed the grade label to improve said label within a fixed period, or to remove or delete the grade label.
- (2) When the competent minister finds that the foreign grade labeling under the provisions of Article 12-2, paragraphs (1) or (2) is inappropriate, the minister may order the certified foreign grade labeling operator, who affixed the relevant foreign grade label, to improve said label within a fixed period, or to remove or delete the relevant foreign grade label.
- (3) When the competent minister finds that a compliance label pursuant to the provisions of Article 13, paragraph (1) is inappropriate, the minister may order the certified method product handler who has affixed the compliance label to improve said label within a fixed period, or to remove or delete the compliance label.
- (4) If a person who receives an order under the provisions of the preceding three

paragraphs refuses the order without just cause, the competent minister may make it public to that effect.

- (5) The provisions of paragraph (1) and the preceding paragraph apply mutatis mutandis to a certified quality overseas product handler, certified overseas production process manager, certified overseas distribution process manager, or certified overseas re-packer, and the provisions of the preceding two paragraphs applies mutatis mutandis to a certified method overseas product handler. In these cases, the term "Article 10, paragraphs (1) through (3)" in paragraph (1) is deemed to be replaced with "Article 30, paragraphs (1) through (3) of " the term "paragraph (5) of that Article, Article 11, paragraph (1) or Article 12, paragraph (1)" in that paragraph is deemed to be replaced with "Article 10, paragraph (5) as applied mutatis mutandis pursuant to paragraph (5) of that Article or the provisions of Article 31, paragraph (1)," the term "order" in that paragraph is deemed to be replaced with "demand", the term "Article 13, paragraph (1)" in paragraph (3) is deemed to be replaced with "Article 33, paragraph (1) of," the term "order" in that paragraph is deemed to be replaced with "demand", the term "the preceding three paragraphs" in the preceding paragraph, is deemed to be replaced with "the paragraph (1) or the preceding paragraph" and the term "order" in the preceding paragraph is deemed to be replaced with "demand".

(Imports of Grade Labeled or Otherwise Labeled Agricultural and Forestry Products)

Article 40 An importer must not transfer, consign for transfer, or display for transfer any agricultural and forestry product on which a grade label or a compliance label or a confusingly similar label is affixed (including the relevant agricultural and forestry product when the relevant label is affixed to its package, container, or invoice; hereinafter the same applies in this Article) pertaining to the importation; this, however, does not apply in the following cases:

- (i) if the label is a grade label affixed by a certified quality overseas product handler to the agricultural and forestry product pertaining to the relevant certification;
- (ii) if the label is a grade label affixed by a certified overseas production process manager to the agricultural and forestry product pertaining to the relevant certification;
- (iii) if the label is a grade label affixed by a certified overseas distribution process manager to the agricultural and forestry product pertaining to the relevant certification; or
- (iv) if the label is a grade label affixed by a certified overseas re-packer to the agricultural and forestry product pertaining to the relevant certification.

(Removal of the Grade Label)

Article 41 (1) When a cause, specified by order of the competent ministry as that an agricultural and forestry product (limited to one specified by order of the competent ministry) on which a grade label is affixed (including the relevant agricultural and forestry product when a grade label is affixed to its package, container, or invoice) is certainly non-compliant with a Japanese Agricultural Standard, is found, the product handler who possesses the relevant product must remove or delete the relevant label without delay.

(2) A certified distribution process manager or a certified overseas distribution process manager must remove or delete the label without delay if the management or control of a distribution process of the agricultural and forestry product pertaining to the certification (limited to that carrying the grade label on the agricultural and forestry product, or its package, container, or invoice, and specified by order of the competent ministry) is not taken over by another certified distribution process manager or certified overseas distribution process manager.

(Removal of the Foreign Grade Label)

Article 41-2 In the cases where product handlers, production process managers or distribution process managers remove or delete the grade labels affixed to the agricultural and forestry products, their packages, containers or invoices in Japan, whereas the foreign grade labels regarding the relevant grade labeling are affixed to the relevant agricultural and forestry products, their packages, containers or invoices pursuant to the provisions of Article 12-2, paragraph (1) or (2), they must remove or delete the foreign grade labels immediately.

Chapter IV Testing in Accordance with Japanese Agricultural Standards
Section 1 Testing

(Testing)

Article 42 A person engaged in a business of conducting testing, etc. (limited to a person who conducts testing, etc. in Japan; referred to as the "testing business operator" in Article 44, paragraph (2), item (ii)), as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries, having been accredited by the Minister of Agriculture, Forestry and Fisheries, having conducted testing, etc. pursuant to a Japanese Agricultural Standard (limited to the criteria for the matters provided in Article 2, paragraph (2), item (iii); the same applies in this Chapter), may issue a certificate that contains matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries and on which a symbol specified by Order of the Ministry of Agriculture, Forestry and Fisheries

(hereinafter referred to as the "accredited symbol") is affixed.

(Accreditation)

Article 43 (1) A person who seeks to receive the accreditation as provided in the preceding Article (hereinafter in this Section referred to simply as the "accreditation") must make an application for an accreditation to the Minister of Agriculture, Forestry and Fisheries, as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries, for each division as specified by the Order of Ministry of Agriculture, Forestry and Fisheries, by paying an application fee in the amount specified by Cabinet Order by taking into consideration actual expenses.

(2) If an application has been made under the provisions of the preceding paragraph and when the Minister of Agriculture, Forestry and Fisheries deems it necessary, the minister may have the center conduct necessary investigations with regard to whether the application complies with the criteria provided in paragraph (1) of the following Article.

(Criteria for Accreditation)

Article 44 (1) If a laboratory (a place where testing, etc. is conducted; the same applies hereinafter) of a person who has applied for the accreditation under the provisions of paragraph (1) of the preceding Article complies with the standards regarding laboratories, the criteria which are established by the International Organization for Standardization and the International Electrotechnical Commission and are specified for each division of the method of testing, etc. by the Minister of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries must accredit the applicant. In this case, necessary procedures with respect to the accreditation are provided for in Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) The accreditation is implemented by recording the following matters in the accreditation directory of the accredited testing business operator:

(i) date of accreditation and accreditation number;

(ii) name and address of the testing business operator that receives the accreditation (hereinafter "accredited testing business operator"), and, in the case of a corporation, the name of the representative;

(iii) name and address of the laboratory of the accredited testing business operator; and

(iv) division of the method of testing, etc. conducted by the accredited testing business operator.

(3) Upon the accreditation, the Minister of Agriculture, Forestry and Fisheries must publicly notify the particulars listed in each item in the preceding paragraph without delay.

(Renewal of Accreditation)

- Article 45 (1) An accreditation expires by lapse of time unless it is renewed within each of the periods of not less than three years specified by Cabinet Order.
- (2) The provisions of the preceding two Articles apply mutatis mutandis to the renewal of the accreditation in the preceding paragraph.
- (3) If an application for renewal of accreditation is made pursuant to paragraph (1), when the disposition for the application is not completed by the expiration date of the period in that paragraph (hereinafter in this Article referred to as the "effective period of accreditation"), the previous accreditation is effective after the expiration of the effective period of accreditation until the disposition is completed.
- (4) In the case of the preceding paragraph, when the accreditation is renewed, the effective period of accreditation is calculated from the day following the date of expiration of the effective period of the previous accreditation.
- (5) When an accreditation expires pursuant to the provisions of paragraph (1), the Minister of Agriculture, Forestry and Fisheries must issue a public notification without delay.

(Succession)

- Article 46 (1) If an accredited testing business operator has assigned all of its business pertaining to the accreditation, or inheritance to, a merger or split of an accredited testing business operator (limited to the cases where all of the business pertaining to the relevant accreditation is being succeeded to) has occurred, the person to whom all of the business pertaining to the relevant accreditation is assigned, or the heir, the corporation surviving the merger, the corporation incorporated in the merger or the corporation that has succeeded to all of the business pertaining to the accreditation due to the split is to succeed to the position of the accredited testing business operator.
- (2) The person that has succeeded to the position of the accredited testing business operator pursuant to the provisions of the preceding paragraph must notify the Minister of Agriculture, Forestry and Fisheries of that effect without delay, attaching written verification of those facts.

(Notification of the Change of Laboratory)

- Article 47 (1) If an accredited testing business operator has changed the location of its laboratory, it must notify the Minister of Agriculture, Forestry and Fisheries of that effect without delay as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) Upon the receipt of notification provided in the preceding paragraph, the

Minister of Agriculture, Forestry and Fisheries must issue a public notification without delay.

(Suspension or Abolition of Operations)

- Article 48 (1) If an accredited testing business operator has abolished, or suspended all or part of its operations regarding testing, etc., it must notify that fact to the Minister of Agriculture, Forestry and Fisheries without delay as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) Upon the receipt of notification provided in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must issue a public notification without delay.

(Compliance Order)

- Article 49 When the Minister of Agriculture, Forestry and Fisheries recognizes that a laboratory of an accredited testing business operator has ceased to comply with the criteria provided in Article 44, paragraph (1), the minister may order the accredited testing business operator to take necessary measures to comply with the criteria.

(Cancellation of Accreditation)

- Article 50 (1) If an accredited testing business operator falls under any of the following items, the Minister of Agriculture, Forestry and Fisheries may cancel the accreditation or order the accredited testing business operator to suspend all or part of its operations regarding testing, etc. for a fixed period of not more than one year:
- (i) when the laboratory has ceased to comply with the criteria provided in Article 44, paragraph (1);
 - (ii) when the accredited testing business operator violates an order under the preceding Article; or
 - (iii) when the accredited testing business operator was accredited by wrongful means.
- (2) If the Minister of Agriculture, Forestry and Fisheries intends to conduct a hearing regarding the disposition under the provisions of the preceding paragraph, the minister must give notice under the provisions of Article 15, paragraph (1) of the Administrative Procedure Act no later than one week prior to the date of hearing and also issue a public notification on the date and location of hearing.
- (3) The proceeding at the date of hearing provided in the preceding paragraph must be open to the public.
- (4) Upon the dispositions under the provisions of paragraph (1), the Minister of Agriculture, Forestry and Fisheries must issue a public notification to such

effect without delay.

(Duty of Confidentiality)

Article 51 A person who is or used to be an accredited testing business operator, or its officer or employee must not divulge any secret which has come to the person's knowledge concerning the operations regarding testing, etc. or use such knowledge for their own interest.

(Prohibition of Use of the Name of the Japanese Agricultural Standards Accredited Testing Business Operator)

Article 52 (1) Anyone who is not an accredited testing business operator must not use the name of 日本農林規格登録試験業者(pronounced "nihon nourin kikaku touroku shiken gyousha" and with the literal meaning of "the Japanese Agricultural Standards Accredited Testing Business Operator") or any other confusing name therewith.

(2) An accredited testing business operator must not use the name of "日本農林規格登録試験業者"(pronounced "nihon nourin kikaku touroku shiken gyousha" and with the literal meaning of "the Japanese Agricultural Standards Accredited Testing Business Operator") or any other confusing name therewith for any method of testing, etc. other than its accredited method of testing, etc.

Section 2 Testing in Overseas Countries

(Testing)

Article 53 A person who is engaged in a business of conducting testing, etc. (limited to a person who conducts testing, etc. in overseas countries; referred to as "overseas testing business operator" in Article 55, paragraph (1)) may, as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries, having been accredited by the Minister of Agriculture, Forestry and Fisheries, conduct testing, etc. pursuant to a Japanese Agricultural Standard, and issue a certificate that contains matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries and on which an accredited symbol is affixed.

(Accreditation)

Article 54 A person who seeks to receive the accreditation as provided in the preceding Article (hereinafter in this Section referred to simply as the "accreditation") must make an application for accreditation to the Minister of Agriculture, Forestry and Fisheries, as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries, for each division as specified by Order of Ministry of Agriculture, Forestry and Fisheries, by paying an application fee in

the amount specified in Cabinet Order by taking into consideration actual expenses.

(Cancellation of Accreditation)

Article 55 (1) If a overseas testing business operator who has received accreditation (hereinafter "accredited overseas testing business operator") falls under any of the following items, the Minister of Agriculture, Forestry and Fisheries may cancel the accreditation or demand the accredited overseas testing business operator to suspend all or part of its operations regarding testing, etc. for a fixed period of not more than one year:

- (i) when its laboratory has ceased to comply with the criteria provided in Article 44, paragraph (1) as applied mutatis mutandis pursuant to the following Article;
- (ii) when the accredited foreign testing business operator resists a demand under Article 49 as applied mutatis mutandis pursuant to the following Article;
- (iii) when the accredited foreign testing business operator was accredited by wrongful means;
- (iv) when the accredited overseas testing business operator fails to report or submit materials, or makes a false report or submits false materials in response to a request by the Minister of Agriculture, Forestry and Fisheries, within the limits necessary to enforce this Act, for a necessary report or submission of books, documents, or other materials with respect to its operations regarding testing, etc. regarding the accreditation;
- (v) when the inspection is refused, interfered with, or evaded, or when the inquiry is not answered or a false answer is given to the inquiry in the case where the Minister of Agriculture, Forestry and Fisheries orders the Ministry of Agriculture, Forestry and Fisheries' employees or the center to inspect the conditions of the accredited overseas testing business operator's operations regarding testing, etc. pertaining to the accreditation, or its books, documents, or other materials at the accredited overseas testing business operators' laboratory, or to make an inquiry to the accredited overseas testing business operator, or its representative, agent, employee, or other worker, within the limits necessary to enforce this Act, when the inspection is refused, interfered with, or evaded, or when the inquiry is not answered or a false answer is made to the inquiry; or
- (vi) when the accredited overseas testing business operator fails to bear the cost under paragraph (3).

(2) Beyond the cases provided in the preceding paragraph, when the accredited overseas testing business operator resists a demand, in the case where the Minister of Agriculture, Forestry and Fisheries demanded pursuant to the

provisions of the same paragraph that the accredited overseas testing business operator suspend all or part of its operations regarding testing, etc. for a fixed period of not more than one year, the Minister of Agriculture, Forestry and Fisheries may cancel the relevant accreditation.

- (3) The cost required for the inspection as provided in paragraph (1), item (v) (limited to those specified by Cabinet Order) is borne by the accredited overseas testing business operator subject to the inspection.

(Application, Mutatis Mutandis)

Article 56 The provisions of Article 43, paragraph (2), Articles 44 through 49 and Article 50, paragraphs (2) through (4) apply mutatis mutandis to an accredited overseas testing business operator. In this case, the term "the preceding paragraph" in Article 43, paragraph (2) and the term "paragraph (1) of the preceding Article" in Article 44, paragraph (1) are deemed to be replaced with "Article 54," the term "order" in Article 49 is deemed to be replaced with "demand", the term "the preceding paragraph" in Article 50, paragraph (2) is deemed to be replaced with "Article 55, paragraph (1) or (2)" the term "one week prior to the date" in that paragraph is deemed to be replaced with "two weeks prior to the date," and the term "paragraph (1)" in paragraph (4) of that Article is deemed to be replaced with "Article 55, paragraph (1) or (2)".

Section 3 Protection of an Accredited Symbol

(Prohibition of Affixing of an Accredited Symbol)

Article 57 (1) It is prohibited for any person to affix an accredited symbol to any certificate regarding testing, etc. except in the following cases:

- (i) if an accredited testing business operator affixes an accredited symbol pursuant to the provisions of Article 42 to the certificate regarding testing, etc.; or
 - (ii) if an accredited overseas testing business operator affixes an accredited symbol pursuant to the provisions of Article 53 to the certificate regarding testing, etc.
- (2) It is prohibited for any person from affixing an accredited symbol to any agricultural and forestry product, or its package, container, or invoice, or advertisement, etc. concerning an agricultural and forestry product or a handling, etc. of agricultural and forestry product.
- (3) It is prohibited for any person from placing any confusing symbol with an accredited symbol to any agricultural and forestry product, or its package, container, or invoice, advertisement, etc. concerning an agricultural and forestry product or a handling, etc. of agricultural and forestry product, or any certificate regarding testing, etc.

(Import of Agricultural and Forestry Products Using Certificate on which an Accredited Symbol is Affixed)

Article 58 An importer must not transfer or consign for transfer any agricultural and forestry product pertaining to the importation using a certificate pertaining to testing, etc. on which an accredit symbol or a confusingly similar symbol is affixed; however, this is not to apply when the accredited symbol is affixed pursuant to the provisions of Article 42 or Article 53.

Chapter V Proper Quality Labeling of Agricultural and Forestry Products Excluding Food and Drinks

(Labeling Criteria to be Observed by a Product Handler)

Article 59 (1) With regard to agricultural and forestry products excluding food and drinks in which the quality of the product is extremely difficult to discern by consumers at the time of purchase and are designated by Cabinet Order as products whose quality labeling should be appropriate to protect the economic interests of consumers, promptly after the designation, the Prime Minister must enact criteria for quality labeling, with which the product handler should comply.

(2) The Prime Minister must publicly notify the enactment of criteria for labeling of quality pursuant to the provisions of the preceding paragraph without delay.

(3) When the Prime Minister intends to enact criteria for labeling of quality pursuant to the provisions of paragraph (1), the minister must consult the competent minister and request the opinion of the Consumer Commission in advance.

(4) When the competent minister finds that the enactment of criteria for labeling of quality pursuant to the provisions of paragraph (1) improves the production or distribution of the agricultural and forestry product to which it pertains, the minister may request that the Prime Minister establishes the relevant criteria by providing the minister with a draft thereof.

(5) The provisions of Article 3, paragraph (2) and Article 9, paragraphs (1), (4), and (5) apply mutatis mutandis to the cases set forth in paragraph (1) and the provisions of paragraphs (2) through (5) of that Article apply mutatis mutandis to the criteria for labeling of quality provided for pursuant to the provisions of paragraph (1). In this case, the term "the competent minister" in the provisions of paragraphs (1) through (4) of the same Article is replaced with "the Prime Minister," the term "submit the matter to the Council to have the amendment appropriately deliberated thereof" which appears in the same paragraph is replaced with "so amend", and the term "order of the competent ministry" which appears in paragraph (5) of that Article is replaced with "Cabinet Office

Order."

(Compliance with Criteria for labeling of quality)

Article 60 A product handler must label the quality of agricultural and forestry products excluding food and drinks in accordance with the criteria for labeling of quality provided for pursuant to the provisions of paragraph (1) of the preceding Article.

(Instructions on Labeling)

- Article 61 (1) When a product handler does not comply with the criteria for labeling of quality provided for pursuant to the provisions of Article 59, paragraph (1) the Prime Minister or the competent minister (the Prime Minister, with regard to the labeling method specified in Cabinet Office Order and order of the competent ministry) may instruct the product handler to comply with the criteria.
- (2) When the minister listed in each of the following items intends to unilaterally give an instruction as specified in the preceding paragraph (with respect to the minister referred to in item (i), excluding instructions with regard to the labeling method as provided for by Cabinet Office Order and order of the competent ministry referred to in that paragraph), the minister must notify the contents to the minister listed in the relative item in advance:
- (i) Prime Minister: competent minister;
 - (ii) competent minister: Prime Minister.
- (3) If a person instructed as provided for by the provisions of paragraph (1) fails to take the measures pertaining to the instructions without justifiable cause, the Prime Minister may order the person to take the measures to abide to the instruction.
- (4) When a person who was instructed as provided for by the provisions of paragraph (1) does not take the measures pertaining to the instruction without justifiable cause, the competent minister may request the Prime Minister to order the person to take the measures pertaining to the instruction pursuant to the provisions of the preceding paragraph.

Article 62 When an instruction or an order is made pursuant to the provisions of the preceding Article, the instruction or order is to be made public.

(Indication of Name Regarding Specified Agricultural and Forestry Products)

Article 63 (1) With regard to any agricultural and forestry products which name is provided for in the Japanese Agricultural Standards (limited to the criteria for the matters provided in Article 2, paragraph (2), item (i)), agricultural and forestry products which are specified by Cabinet Order as the product which

name is particularly necessary to be properly labeled as the name is also being used for the following agricultural and forestry products and when left as is, would make choices for the consumers extremely problematic (hereinafter "specified agricultural and forestry products"), no person must indicate the name or a confusingly similar name on any such specified agricultural and forestry product or its package, container, or invoice when the grade label under the Japanese Agricultural Standards was not affixed to the same:

- (i) another agricultural and forestry product whose quality is different from the quality provided in the Japanese Agricultural Standard;
 - (ii) another agricultural and forestry product produced through a production process different from the production process provided in the Japanese Agricultural Standard; and
 - (iii) another agricultural and forestry product distributed through a distribution process different from the distribution process provided in the Japanese Agricultural Standard.
- (2) It is prohibited for any person to affix the label of the name provided for by the Japanese Agricultural Standards regarding the specified agricultural and forestry products or a confusingly similar label to any agricultural and forestry products other than for specified agricultural and forestry products.
- (3) An importer must not sell, consign for sale, or display for sale their imported agricultural and forestry product to which the grade label under the Japanese Agricultural Standards regarding the specified agricultural and forestry products was not affixed to the agricultural and forestry product, its package, container, or invoice and the indication of a name under the Japanese Agricultural Standards or a similar confusing name was labeled (including the agricultural and forestry product when the label was affixed to its package, container, or invoice).

(Order to Remove Indication of a Name)

Article 64 The competent minister may order a person who violated the provisions of the preceding Article to remove or delete the indication of a name regarding the specified agricultural and forestry product provided by the Japanese Agricultural Standard or a confusingly similar indication, or prohibit the person from selling, consigning for sale, or displaying for sale of the specified agricultural and forestry products.

Chapter VI Miscellaneous Provisions

(On-Site Inspections)

Article 65 (1) Within the limit necessary to enforce this Act, the competent minister may have the accredited certification body or a business operator

having a relationship with the accredited certification body with respect to its operations submit necessary reports or books, documents, or other materials on its certification operations, or have the ministers employees enter its office, place of business, warehouse, or other locations and inspect the conditions of the operations or books, documents, and other materials concerning the certification, or make an inquiry to its workers or other persons concerned.

- (2) Within the limit necessary to enforce this Act, the competent minister may have the certified quality product handler, certified production process manager, certified distribution process manager, certified re-packer, certified importer or certified foreign grade labeling operators, or a product handler, distributor, or importer of specified agricultural and forestry products, or a business operator having a relationship with any of the foregoing persons with respect to its operations submit necessary reports or books, documents, or other materials on the grading (including the grade label; hereinafter the same applies in this paragraph and paragraph (2) of the next Article), foreign grade label or the compliance label or the indication of name pertaining to the specified agricultural and forestry products, or have the ministers employees enter its farm, factory, shop, office, place of business, warehouse, or other locations and inspect the conditions of the grading, foreign grade label or the compliance label or the indication of name pertaining to the specified agricultural and forestry products, or the agricultural and forestry products, their ingredients, its books, documents, and other materials, or make an inquiry to its workers or other persons concerned.
- (3) Within the limit necessary to enforce this Act, the Minister of Agriculture, Forestry and Fisheries may have the accredited testing business operator or a business operator having a relationship with the accredited testing business operator with respect to its operations submit necessary reports or books, documents, or other materials on its operations regarding testing, etc., or have the ministers employees enter its laboratory, office, place of business, warehouse, or other locations and inspect the conditions of the operations regarding the testing, etc., or books, documents, and other materials, or make an inquiry to its workers or other persons concerned.
- (4) Within the limit necessary to enforce this Act, the Prime Minister or the competent minister (the Prime Minister, for matters regarding the method of labeling pursuant to the provisions of Article 61, paragraph (1) of Cabinet Office Order and order of the competent ministry) may have the product handler of agricultural and forestry products which are subject to the criteria for labeling of quality pursuant to the provisions of Article 59, paragraph (1) or a business operator having a relationship with the person with respect to its operations submit necessary reports, or books, documents, or other materials on the quality labeling, or have the ministers employees enter its farm, factory,

shop, office, place of business, warehouse, or other locations and inspect the quality labeling conditions, the agricultural and forestry products and their ingredients, its books, documents, and other materials, or make an inquiry to its workers or other persons concerned.

- (5) Within the limit necessary to enforce the provisions of Article 68, the competent minister may have a person who has conducted the labeling referred to in paragraph (1) of that Article or a business operator having a relationship with the person with respect to its operations submit necessary reports or books, documents, or other materials on the labeling, or have the ministers employees enter its farm, factory, shop, laboratory, office, place of business, warehouse, or other locations and inspect the conditions of the operations regarding the labeling, or books, documents, and other materials, or make an inquiry to its workers or other persons concerned.
- (6) Employees who conduct on-site inspections or make inquiries pursuant to the provisions of each of the preceding paragraphs must carry an identification card and present it to persons concerned.
- (7) The authority to conduct on-site inspections or make inquiries under the provisions of paragraphs (1) through (5) must not be construed as being granted for criminal investigation purposes.
- (8) When the minister listed in each of the following items unilaterally exercises authority under the provisions of paragraph (4), the minister is to promptly notify the minister listed in the respective item of the result:
 - (i) Prime Minister: competent minister;
 - (ii) competent minister: Prime Minister.

(On-Site Inspection by the Center)

- Article 66 (1) When deeming it necessary in the case prescribed in paragraph (1) of the preceding Article, the Minister of Agriculture, Forestry and Fisheries may have the center enter the office, place of business, warehouse, or other locations of the accredited certification body or a business operator having a relationship with the accredited certification body with respect to its operations and inspect the conditions of its operations or books, documents, and other materials concerning the certification, or make an inquiry to its workers or other persons concerned.
- (2) When deeming it necessary in the case prescribed in paragraph (2) of the preceding Article, the Minister of Agriculture, Forestry and Fisheries may have the center enter the farm, factory, shop, office, place of business, warehouse, or other locations of the certified quality product handler, certified production process manager, certified distribution process manager, certified re-packer, certified importer, certified foreign grade labeling operator or certified method product handler, or a product handler, distributor, or importer of specified

agricultural and forestry products, or a business operator having a relationship with any of the foregoing persons with respect to its operations and inspect the conditions of the grading, foreign grade label or the compliance label or the indication of name regarding the specified agricultural and forestry products, or the agricultural and forestry products, their ingredients, its books, documents, and other materials, or make an inquiry to its workers or other persons concerned.

- (3) When deeming it necessary in the case provided in paragraph (3) of the preceding Article, the Minister of Agriculture, Forestry and Fisheries may have the center enter the laboratory, office, place of business, warehouse, or other locations of the accredited testing business operator or a business operator having a relationship with the accredited testing business operator with respect to its operations and inspect the conditions of the operations regarding the testing, etc., or books, documents, and other materials, or make an inquiry to its workers or other persons concerned.
- (4) When deeming it necessary, and it is possible to have the ministers employees conduct an on-site inspection or make an inquiry pursuant to the provisions of paragraph (4) of the preceding Article, the Minister of Agriculture, Forestry and Fisheries may have the center enter the farm, factory, shop, office, place of business, warehouse, or other locations of the product handler of the agricultural and forestry products which are subject to the criteria for labeling of quality pursuant to the provisions of Article 59, paragraph (1) or a business operator having a relationship with the person with respect to its operations and inspect the quality labeling conditions, the agricultural and forestry products and their ingredients, its books, documents, and other materials, or make an inquiry to its workers or other persons concerned.
- (5) When deeming it necessary in the case provided in paragraph (5) of the preceding Article, the Minister of Agriculture, Forestry and Fisheries may have the center enter the farm, factory, shop, laboratory, office, place of business, warehouse, or other locations of a person who has conducted the labeling referred to in Article 68, paragraph (1) or a business operator having a relationship with the person with respect to its operations and inspect the conditions of the operations regarding the labeling, books, documents, and other materials, or make an inquiry to its workers or other persons concerned.
- (6) When the Minister of Agriculture, Forestry and Fisheries is to have the center conduct an on-site inspection or make an inquiry pursuant to the provisions of each of the preceding paragraphs, the minister is to provide the center with the date, location, and other necessary information of the on-site inspection or the inquiry and give it an instruction that the inspection should be conducted.
- (7) When the center conducts an on-site inspection or an inquiry specified in

paragraphs (1) through (5) in accordance with the instruction mentioned in the preceding paragraph, it must report the result thereof to the Minister of Agriculture, Forestry and Fisheries as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries.

(8) When the Minister of Agriculture, Forestry and Fisheries receives the report under the provisions of the preceding paragraph on the on-site inspection or the inquiry under the provisions of paragraph (4), the minister is to promptly notify the Prime Minister of the contents thereof.

(9) The provisions of paragraphs (6) and (7) of the preceding Article apply *mutatis mutandis* to the on-site inspection or an inquiry under the provisions of paragraphs (1) through (5).

(Order Issued to the Center)

Article 67 When the Minister of Agriculture, Forestry and Fisheries deems it necessary to ensure the appropriate conduct of the business of the on-site inspection or the inquiry under the provisions of paragraphs (1) through (5) of the preceding Article, the minister may give necessary orders to the center with regard to the business.

(Instructions on Improper Labeling Concerning Compliance with Japanese Agricultural Standards)

Article 68 (1) When a label that falsely shows compliance with criteria provided in the Japanese Agricultural Standards has been conducted and the competent minister finds that there is a risk of substantially compromising the usage of the Japanese Agricultural Standards such as a risk of impairing the confidence of labeling concerning compliance with criteria provided in the Japanese Agricultural Standards if the referenced false labeling is left unattended to, the minister may instruct the person who has conducted the labeling to take necessary measures.

(2) If the person who has received the instruction under the provisions of the preceding paragraph fails to take measures pertaining to the instruction without just cause, the competent minister may make that effect public.

(Report to the Competent Minister)

Article 69 (1) Any person may report any of the following cases to the competent minister and request that appropriate measures be taken, in accordance with the procedures as prescribed in order of the competent ministry:

(i) in cases where it is recognized that the agricultural and forestry product to which the grade label was affixed (including the agricultural and forestry product that carries the grade label on its package, container, or invoice) or the methods of handling, etc. of agricultural and forestry products pertaining

to the compliance label does not comply with the Japanese Agricultural Standards;

- (ii) in cases where it is recognized that the grade labels pertaining to the foreign grade labels are not affixed to the agricultural and forestry products or their packaging, containers, or invoices, to which the relevant foreign grade label has been applied in Japan pursuant to Article 12-2, paragraph (1) or (2) (including the relevant agricultural and forestry products that carry the foreign grade labels on their packages, containers or invoices);
 - (iii) when the person finds that the method of testing, etc. pertaining to the certificate to which an accredited symbol is affixed does not comply with the Japanese Agricultural Standards;
 - (iv) when the person finds that interest of consumers is harmed due to inappropriate labeling of the name regarding the specified agricultural and forestry product; or
 - (v) if a label that falsely shows compliance with criteria provided in the Japanese Agricultural Standards is conducted, and the person finds that there is a risk of substantially compromising the usage of the Japanese Agricultural Standards such as a risk of impairing the confidence of labeling concerning compliance with criteria provided in the Japanese Agricultural Standards if the referenced false labeling is left unattended.
- (2) Upon the acceptance of the report under the preceding paragraph, the competent minister must conduct necessary investigation and when the minister finds that the contents of the report are true, take measures prescribed in Article 39, Article 50, Article 55, Article 64, or the preceding Article, and other appropriate measures.

(Report to the Prime Minister or the Competent Minister)

Article 70 (1) When any person finds that the interest of consumers are harmed due to improper labeling of agricultural and forestry products, excluding food and drinks, the person may report such effect and request the Prime Minister or the competent minister take appropriate measures (the Prime Minister when inappropriate quality labeling of the agricultural and forestry product pertaining only to the method of labeling pursuant to the provisions of Article 61, paragraph (1) of Cabinet Office Order and order of the competent ministry, the same applies in the next paragraph), in accordance with the procedures as prescribed in Cabinet Office Order and order of the competent ministry.

- (2) Upon the acceptance of the report under the preceding paragraph, the Prime Minister or the competent minister must conduct necessary investigation and when the minister finds that the contents of the report are true, take measures prescribed in Article 59 and Article 61 and other appropriate measures.

(Measures for Promoting the Utilization of the Japanese Agricultural Standards)

Article 71 (1) The national government and the center must endeavor for the widespread usage of the system concerning the Japanese Agricultural Standards in order to promote utilization of the Japanese Agricultural Standards with inventiveness and ingenuity by product handlers.

(2) Beyond the matters provided in the preceding paragraph, the national government and the center must endeavor to take necessary measures including, but not limited to, enlightenment and diffusion concerning standards, development and securing of human resources with specialist knowledge concerning standards, or participation in international organizations or other international frameworks regarding standards.

(Measures to Obtain Equivalency Recognition)

Article 72 (1) In the cases where a certified organization for facilitating the export of agricultural, forestry, and fishery products and food prescribed in Article 43, paragraph (2) of the Act on Facilitating the Export of Agricultural, Forestry, and Fishery Products and Food (Act No. 57 of 2019) presents a petition including the reason for the petition, requesting that the negotiations to obtain equivalency recognition for the designated type of agricultural and forestry products be conducted, the national government must make efforts to conduct the relevant negotiations and take any other necessary measures.

(2) The national government must make Japanese Agricultural Standards an internationally recognized standards through its support for the people who those engage in the work related to the activities for the participation in the international organizations or other international frameworks or the activities to make Japanese Agricultural Standard an internationally recognized standards, in terms of the standards for the international harmonization of the matters specified in each item of Article 2, paragraph (2) (hereinafter "International Standards" in this Article).

(3) National Research and Development Agency (referred to the national research and development agency specified in Article 2, paragraph (3) of the Act on General Rules of Incorporated Administrative Agencies (Act No. 103 of 1999); the same applies to the next paragraph), universities and business operators must make efforts to take the initiative in engaging in the activities for the participation in the international organizations or other international frameworks or any other activities to make Japanese Agricultural Standards an internationally recognized, and make efforts to ensure the appropriate treatment of the persons engaged in the international standardization of Japanese Agricultural Standard, so that they can make the job of the persons engaged in the international standardization of Japanese Agricultural

Standard attractive and deserving of importance.

- (4) The national government, national research and development agencies, universities, business operators, and any other concerned parties must make efforts to facilitate appropriate roles-sharing and cooperate with each other so that the measures to make the Japanese Agricultural Standards an internationally recognized standards can be taken effectively and efficiently.

(Provision of Materials to the Prime Minister)

Article 73 When the Prime Minister deems it necessary for proper quality labeling of agricultural and forestry products excluding food and drinks, the Prime Minister may request the competent minister to provide materials, explanation, and other necessary cooperation.

(Application of the Food Sanitation Act)

Article 74 The provisions of this Act must not be construed as excluding the application of the Food Sanitation Act (Act No. 233 of 1947) or the Act against Unjustifiable Premiums and Misleading Representations (Act No. 134 of 1962).

(Competent Ministers)

Article 75 (1) For the purpose of this Act, the term "the competent minister(s)" means the Minister of Agriculture, Forestry and Fisheries. Notwithstanding the foregoing, the same is to mean the Minister of Finance and the Minister of Agriculture, Forestry and Fisheries in the following matters: the Japanese Agricultural Standards for alcoholic beverages, the grade labeling of alcoholic beverages in accordance with the Japanese Agricultural Standards, accredited certification bodies or accredited overseas certification bodies that perform certification for alcoholic beverages, certified production process managers, certified re-packers, certified importers, certified foreign grade labeling operators, certified overseas production process managers or certified overseas re-packers, that have obtained certification pertaining to alcoholic beverages, foreign grade labels for alcoholic beverages, designated agricultural and forestry products (limited to alcoholic beverages), or labeling of compliance with the Japanese Agricultural Standards pertaining to alcoholic beverages.

- (2) For the purpose of this Act, the term "order of the competent ministry" means the order issued by the competent minister.

(Delegation of Authority)

Article 76 (1) The Prime Minister is to delegate the authority under the provisions of this Act (except those specified in Cabinet Order) to the Minister of Consumer Affairs.

- (2) The Minister of Finance may delegate all or part of the authority under the

provisions of this Act to the Commissioner of National Tax Agency as provided for by Cabinet Order.

- (3) The part of affairs vested in the authority of the Minister of Agriculture, Forestry and Fisheries provided for in this Act and the same delegated to the Minister of Consumer Affairs pursuant to the provision of the preceding paragraph (1) may be delegated by a prefectural governor or a mayor of a designated city provided in Article 252-19, paragraph (1) of the Local Authority Act (Act No. 67 of 1947) as prescribed by the stipulations of Cabinet Order.
- (4) The authority of the Minister of Agriculture, Forestry and Fisheries provided for in this Act and the authority delegated to the Commissioner of National Tax Agency pursuant to the provision of the preceding paragraph (2) may be partially delegated to the chief of local branch offices in accordance with the provisions specified in the order of the competent ministry.

(Delegation to Ministerial Order)

Article 77 Beyond what is provided by this Act, matters necessary for the enforcement of this Act are provided by order of the competent ministry (with respect to matters concerning criteria for labeling of quality enacted pursuant to the provisions of Article 59, paragraph (1), Cabinet Office Order and order of the competent ministry).

Chapter VII Penal Provisions

Article 78 If any of the following applies, such offender is to be punished with an imprisonment not exceeding one year or a fine not exceeding 1,000,000 yen:

- (i) in case of the violation of the provisions of Article 8;
- (ii) in case of the violation of the provisions of Article 10, paragraph (6) or (7);
- (iii) in case of the violation of the provisions of Article 12-2 paragraph (3) or (4) ;
- (iv) in case of the violation of the provisions of Article 10, paragraph (6) or (7) as applied *mutatis mutandis* pursuant to Article 30, paragraph (5) in Japan;
- (v) in case of the violation of the provisions of Article 37;
- (vi) in case of the violation of the provisions of Article 38;
- (vii) in case of the violation of the order to remove or delete the grade label, foreign grade label or the compliance label under the provisions of Article 39, paragraphs (1) through (3);
- (viii) in case of the violation of the provisions of Article 40;
- (ix) in case of the violation of the provisions of Article 41, paragraph (1);
- (x) in case of the violation of the provisions of Article 41-2 ;
- (xi) in case of the violation of the provisions of Article 57;
- (xii) in case of the violation of the provisions of Article 58;

- (xiii) in case of the violation of the order under the provisions of Article 61, paragraph (3); or
- (xiv) in case of the violation of the disposition under the provisions of Article 64.

Article 79 If an order under the provisions of Article 26, paragraph (2) or Article 50, paragraph (1) is violated, the accredited certification body or the accredited testing business operator which has committed the relevant violation (if the body or the operator is a corporation, the representative thereof), or the agent, worker, or other employee of the foregoing is to be punished with imprisonment not exceeding one year or a fine not exceeding 1,000,000 yen.

Article 80 Any person who divulges any secret which came to the person's knowledge concerning the duty or used such knowledge for their own benefit, contravening the provisions of Article 28 or Article 51, is to be punished with imprisonment not exceeding one year or a fine not exceeding 500,000 yen.

Article 81 If any of the following applies, such offender is to be punished with a fine not exceeding 500,000 yen:

- (i) in case of the violation of the provisions of Article 29, paragraph (1) or Article 52, paragraph (1); or
- (ii) in the event that a person fails to report or submit materials, makes a false report or submits false materials under the provisions of Article 65 paragraphs (1) through (5); or refuses, interferes with, or evades the inspection under the provisions of paragraphs (1) through (5) of that Article or Article 66, paragraphs (1) through (5) of, or fails to answer or gives a false answer to the inquiry under that provisions.

Article 82 If any of the following violations occur, the accredited certification body or the accredited testing business operator that has committed the violation (if the body or the operator is a corporation, the representative thereof), or the agent, worker, or other employee of the foregoing is to be punished with a fine not exceeding 500,000 yen:

- (i) when the accredited certification body or the accredited testing business operator fails to report or makes a false report under the provisions of Article 19, paragraph (3);
- (ii) when the accredited certification body or the accredited testing business operator fails to notify or makes a false notification under the provisions of Article 22, paragraph (1);
- (iii) when the accredited certification body or the accredited testing business operator fails to make entries in the books, makes false entries, or fails to keep the books under the provisions of Article 27; or

(iv) when the accredited certification body or the accredited testing business operator violates the provisions of Article 29, paragraph (2) or Article 52, paragraph (2).

Article 83 (1) If the representative or custodian of a corporation (including an association or foundation without legal personality which has a rule for a representative or custodian; hereinafter the same applies in this paragraph) or the agent, worker, or other employee of a corporation or an individual commits a violation of the provisions listed 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 pursuant to the provisions listed in the following items and the individual is subject to fine referred to in the relevant Articles:

- (i) provisions of Article 78 (limited to those pertaining to items (v) through (vii), item (xi), item (xiii), and item (xiv)); a fine not exceeding 100,000,000 yen; or
- (ii) provisions of Article 78 (except those pertaining to items (v) through (vii), item (xi), item (xiii), and item (xiv)), Article 79 or the preceding two Articles; a fine pursuant to the respective Articles.

(2) If the provisions of the preceding paragraph are applied to an association or foundation without legal personality, its representative, or custodian is to represent the association or foundation in a procedural act, and the provisions of the Act concerning criminal procedure apply *mutatis mutandis* if a corporation is accused or suspected.

Article 84 If the order under Article 67 is violated, the officer of the center, who has committed the relevant violation, is to be punished with a non-penal fine not exceeding 200,000 yen.

Article 85 Any person who falls under any of the following items is to be punished with a non-penal fine not exceeding 200,000 yen:

- (i) a person who fails to submit a notification or submits a false notification under the provisions of Article 18, paragraph (2), Article 46, paragraph (2), Article 47, paragraph (1) or Article 48, paragraph (1); or
- (ii) a person who fails to prepare financial statements, etc., fails to record necessary items, or makes a false statement in financial statements, etc. contravening the provisions of Article 23, paragraph (1) or a person who refuses the request under items of paragraph (2) of that Article without a justifiable cause.