

The Act on Prohibition of Chemical Weapons and Control of Specific Chemicals is hereby promulgated.

Act on Prohibition of Chemical Weapons and Control of Specific Chemicals

(Act No. 65 of April 5, 1995)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act, which aims to ensure appropriate implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereinafter referred to as the "Chemical Weapons Convention") and the International Convention for the Suppression of Terrorist Bombings, is to prohibit the manufacture, possession, transferring, and acceptance of chemical weapons, as well as to control the manufacture and use of specific chemicals, and implement other necessary measures.

(Definition)

Article 2 (1) The term "toxic chemicals" as used in this Act means chemicals having properties causing death to humans who have inhaled or been in contact with them or causing temporary or lasting harm to the bodily functions of those humans (hereinafter referred to as "toxic properties"), as specified by Cabinet Order in accordance with the provisions of the Chemical Weapons Convention.

(2) The term "chemical weapons" as used in this Act means bombshells, rocket

bombs, and other weapons specified by Cabinet Order, which are loaded with toxic chemicals or chemicals having similar toxic properties (including those loaded with other chemicals that can cause chemical alteration internally and produce toxic chemicals or chemicals having similar toxic properties).

- (3) The term "specific chemicals" as used in this Act means toxic chemicals and materials from which toxic chemicals are made (hereinafter referred to as "precursors"), which are specified by Cabinet Order as being highly likely to be used for the manufacture of chemical weapons.
- (4) The term "designated chemicals" as used in this Act means toxic chemicals and their precursors other than specific chemicals, which are designated by Cabinet Order as being highly likely to be used for the manufacture of chemical weapons.
- (5) The term "first-class designated chemicals" as used in this Act means designated chemicals which are specified by Cabinet Order as being less likely to be used for purposes other than chemical weapons, and the term "second-class designated chemicals" means designated chemicals other than first-class designated chemicals.
- (6) The Cabinet Order set forth in the preceding three paragraphs is enacted in accordance with the provisions of the Chemical Weapons Convention.
- (7) In this Act, the manufacture of specific chemicals or designated chemicals also covers the temporary production of specific chemicals or designated chemicals in a process of manufacturing other chemicals, and the use of specific chemicals or designated chemicals also means converting the temporarily produced specific chemicals or designated chemicals into other chemicals.
- (8) The term "international organization" as used in this Act means the organization established under the Chemical Weapons Convention with the objective of prohibiting chemical weapons.

Chapter II Prohibition of Manufacture of Chemical Weapons

(Prohibited Acts)

Article 3 (1) It is prohibited for any person to manufacture chemical weapons.

- (2) It is prohibited for any person to possess, transfer, or accept chemical weapons.
- (3) It is prohibited for any person to manufacture, possess, transfer, or accept toxic chemicals or chemicals having similar toxic properties or materials from which these chemicals are made, for the purpose of use in the manufacture of chemical weapons.
- (4) It is prohibited for any person to manufacture, possess, transfer, or accept parts used exclusively for chemical weapons or machine tools used exclusively

for using chemical weapons, which are specified by Cabinet Order.

Chapter III Control of Manufacture of Specific Chemicals

(Manufacturing License)

Article 4 (1) A person that intends to manufacture a specific chemical (including extracting the chemical; hereinafter the same applies in this chapter, Article 31, paragraph (1), Article 34 paragraph (1), Article 43, item (i), and Article 44, item (ii)) must obtain a license from the Minister of Economy, Trade and Industry for each place of business.

(2) A person that intends to obtain a license under the preceding paragraph must submit an application to the Minister of Economy, Trade and Industry, stating the following matters pursuant to Order of the Ministry of Economy, Trade and Industry:

- (i) the name and address of the applicant, as well as the name of the representative if the applicant is a corporation;
- (ii) the address of the place of business where manufacturing is to take place;
- (iii) the specific chemical to be manufactured;
- (iv) the manufacturing method and the tools, machinery, or equipment used for it; and
- (v) other matters specified by Order of the Ministry of Economy, Trade and Industry.

(Disqualification)

Article 5 A person that falls under any of the following items may not obtain a license under Article 4, paragraph (1):

- (i) a person that was sentenced to a fine or severer punishment for violation of any provisions of this Act or of an order issued pursuant to this Act, and a period of three years has not yet elapsed since the completion of or otherwise no longer subjected to the sentence;
- (ii) a person whose license was revoked pursuant to the provisions of Article 9, paragraph (1), and a period of three years has not yet elapsed since the date of revocation;
- (iii) a person that was sentenced to a fine or severer punishment for violation of the provisions of other laws or regulations, and a period of three years has not yet elapsed since the person served out the sentence or ceased to be subject to the sentence and the person is deemed to be inappropriate as a manufacturer of a specific chemical;
- (iv) a person specified by Order of the Ministry of Economy, Trade and Industry as a person who cannot properly manufacture a specific chemical due to mental or physical disorder; or

- (v) a corporation, any of whose officers in charge of its business falls under any of the preceding items.

(Standards for Manufacturing License)

Article 6 The Minister of Economy, Trade and Industry must not grant a license under Article 4, paragraph (1) unless an application for the license filed under Article 4, paragraph (1) satisfies all of the following:

- (i) the applicant's production capacity for the specific chemical does not exceed the limit set by Order of the Ministry of Economy, Trade and Industry in accordance with the provisions of the Chemical Weapons Convention;
- (ii) by granting the license, the total production capacity in Japan for all the specific chemicals would not exceed the limit set under the Chemical Weapons Convention; and
- (iii) other than above, appropriate implementation of the Chemical Weapons Convention would not be affected.

(Permission for Change)

Article 7 (1) When a person licensed under Article 4, paragraph (1) (hereinafter referred to as a "licensed manufacturer") intends to change the matters listed in Article 4, paragraph (2), item (iii) or (iv), the licensed manufacturer must obtain the permission from the Minister of Economy, Trade and Industry; provided, however, that this does not apply to any change of the referenced matters that are minor as specified by Order of the Ministry of Economy, Trade and Industry.

- (2) A licensed manufacturer who intends to change the matters listed in Article 4, paragraph (2), item (ii) must notify the Minister of Economy, Trade and Industry to this effect pursuant to Order of the Ministry of Economy, Trade and Industry.
- (3) A licensed manufacturer must notify the Minister of Economy, Trade and Industry of the following, without delay, in any case of the following items:
 - (i) Change in matters listed in Article 4, paragraph (2), item (i); or
 - (ii) Minor changes as specified by Order of the Ministry of Economy, Trade and Industry set forth in the provision of paragraph (1).
- (4) The provisions of the preceding article apply mutatis mutandis to the permission set forth in paragraph (1).

(Notification of Discontinuance of Manufacture)

Article 8 (1) A licensed manufacturer that has discontinued the manufacture of the specific chemical must, without delay, notify the Minister of Economy, Trade and Industry to this effect.

- (2) When a notification is made pursuant to the provisions of the preceding

paragraph, the license under Article 4, paragraph (1) ceases to be effective.

(Revocation of Manufacturing License)

Article 9 (1) When a licensed manufacturer falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the license or order suspension of the manufacture for a specified period:

- (i) the licensed manufacturer has come to fall any of under Article 5, item (i) or Article 5, items (iii) through (v);
 - (ii) the licensed manufacturer has obtained its license under Article 4, paragraph (1) or permission under Article 7, paragraph (1) by wrongful means;
 - (iii) the licensed manufacturer has changed any matters for which permission must be obtained pursuant to the provisions of Article 7, paragraph (1), without obtaining the referenced permission;
 - (iv) the licensed manufacturer has manufactured the specific chemical in violation of the provisions of Article 14, paragraph (1); or
 - (v) the licensed manufacturer has violated any conditions set for the license under Article 4, paragraph (1) pursuant to the provisions of Article 19, paragraph (1).
- (2) When a licensed manufacturer fails continuously to manufacture the specific chemical for more than two years, the Minister of Economy, Trade and Industry may revoke the license.

(License of Use)

Article 10 (1) A person that intends to use a specific chemical must obtain a license from the Minister of Economy, Trade and Industry.

(2) A person that intends to obtain a license under the preceding paragraph must submit an application to the Minister of Economy, Trade and Industry, stating the following matters, pursuant to Order of the Ministry of Economy, Trade and Industry:

- (i) the name and address of the applicant, as well as the name of the representative if the applicant is a corporation;
 - (ii) the specific chemical to be used and its quantity;
 - (iii) the purpose and method of use;
 - (iv) the period and place of use; and
 - (v) other matters specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Having granted a license under paragraph (1), the Minister of Economy, Trade and Industry must issue a use license certificate stating the specific chemical pertaining to the license and its quantity.
- (4) Reissuance and return of a use license certificate and other procedural

matters pertaining to a use license certificate is specified by Order of the Ministry of Economy, Trade and Industry.

(Standards for Use License)

- Article 11 (1) The Minister of Economy, Trade and Industry must not grant a license under Article 10, paragraph (1) unless the application for the license filed under Article 10, paragraph (1) satisfies all of the following items:
- (i) it is certain that the specific chemical will be used for purposes allowed under the Chemical Weapons Convention;
 - (ii) the total quantity of the specific chemicals to be manufactured in or imported to Japan for the year and the total quantity of the specific chemicals existing in Japan for the year is not to exceed the limit set by the Chemical Weapons Convention even if the specific chemical were manufactured or imported in the quantity as stated;
 - (iii) appropriate implementation of the Chemical Weapons Convention would not be affected.
- (2) The provisions of Article 5 apply mutatis mutandis to the license granted under Article 10, paragraph (1). In this case, "Article 9, paragraph (1)" in Article 5, item (ii) is deemed to be replaced with "Article 12".

(Revocation of Use License)

- Article 12 When a person licensed under Article 10, paragraph (1) (hereinafter referred to as a "licensed user") falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the license, if the licensed user has yet to finish using the specific chemical pertaining to the license:
- (i) the licensed user has come to fall under item (i) or any of items (iii) through (v) of Article 5 as applied mutatis mutandis pursuant to Article 11, paragraph (2);
 - (ii) the licensed user has obtained a license under Article 10, paragraph (1) by wrongful means; or
 - (iii) the licensed user has violated any of the conditions set for licenses under Article 10, paragraph (1) pursuant to the provisions of Article 19, paragraph (1).

(Approval for Import)

- Article 13 A person that intends to import a specific chemical is obligated to obtain approval for the import in accordance with the provisions of Article 52 of the Foreign Exchange and Foreign Trade Act (The Act No. 228 of 1949).

(Restriction of Manufacture and Import)

Article 14 (1) A licensed manufacturer must not manufacture a specific chemical unless the person, for the purpose of providing a licensed user with the specific chemical pertaining to the use license (only in the quantity under the use license; hereinafter the same), manufactures the specific chemical (including when the person, as a licensed user, manufactures the specific chemical pertaining to the use license); provided, however, that this does not apply to cases as otherwise provided for by Order of the Ministry of Economy, Trade and Industry.

(2) Approval for import under Article 13 is not granted unless a specific chemical pertaining to a use license is imported for the purpose of providing it for the licensed user or imported by the licensed user.

(3) A person that intends to manufacture or import a specific chemical for the purpose of providing it for a licensed user is to confirm the specific chemical pertaining to the use license by the license certificate.

(Restriction of Transfer and Acceptance)

Article 15 (1) Except in any of the cases listed in the following items, it is prohibited for any person to transfer or accept a specific chemical:

(i) when a licensed manufacturer transfers the specific chemical pertaining to the use license to a licensed user;

(ii) when a person granted approval for import under Article 13 (hereinafter referred to as an "approved importer") transfers the specific chemical pertaining to the use license to a licensed user with; or

(iii) when a licensed user accepts the specific chemical pertaining to the use license from a licensed manufacturer or approved importer.

(2) When a licensed manufacturer or approved importer has transferred the specific chemical manufactured or imported to a licensed user, the manufacturer or importer must, without delay, notify the Minister of Economy, Trade and Industry to this effect.

(Restriction of Possession)

Article 16 (1) Except in any of the cases listed in the following items, it is prohibited for any person to possess a specific chemical:

(i) when a licensed manufacturer possesses the specific chemical manufactured until the manufacturer transfers it to a licensed user;

(ii) when an approved importer possesses the specific chemical imported until the importer transfers it to a licensed user;

(iii) when a licensed user possesses the specific chemical until the user uses it;

(iv) when a person that must destroy the specific chemical pursuant to the provisions of Article 18, paragraph (1) possesses it until the person destroys it;

- (v) when a person that has been commissioned for transportation or destruction by the person listed in any of the preceding items possesses the specific chemical pertaining to the commission for the purpose of transportation or destruction; or
 - (vi) when an employee of the person listed in any of the preceding items possesses a specific chemical in the course of their employment duties.
- (2) The person listed in any of the preceding items must store the specific chemical in the possession within a locked and secured facility.

(Transportation)

Article 17 (1) When a licensed manufacturer, approved importer, licensed user, or person that must destroy the specific chemical pursuant to the provisions of Article 18, paragraph (1) intends to transport the specific chemical (including commissioned transportation, and excluding transportation by ship or aircraft), they must, pursuant to the Rules of the National Public Safety Commission, notify the prefectural public safety commission to this effect and obtain a document to certify the notification (hereinafter referred to as a "transportation certificate").

- (2) Having received the notification under the provisions of the preceding paragraph, the prefectural public safety commission may provide necessary instructions on the date and route of transportation and other matters specified by the Rules of the National Public Safety Commission, when it finds instructions necessary to prevent the specific chemical from being stolen or going missing during the transportation pertaining to the notification.
- (3) Having provided instructions under the preceding paragraph, the prefectural public safety commission must state what was instructed in the transportation certificate.
- (4) The person that transports the specific chemical must carry the transportation certificate and undertake transportation as stated in the transportation certificate.
- (5) Revision of a transportation certificate, reissue of a transportation certificate, and return of a transportation certificate that is no longer necessary, as well as notification under paragraph (1) and instructions under paragraph (2) if transportation is to be implemented in areas of two or more prefectures, and liaison between prefectural public safety commissions necessary for issue, revision, reissuance, and return of a transportation certificate in such cases, are specified by Cabinet Order.

(Destruction)

Article 18 (1) In any of the cases listed in the following items, the person listed in the respective items that possesses a specific chemical must, without delay,

destroy the specific chemical (in the case listed in item (iii), this is limited to the portion in excess of the quantity prescribed in the referenced item):

- (i) when a licensed manufacturer has made a notification under the provisions of Article 8, paragraph (1);
 - (ii) when a licensed manufacturer has had the license revoked pursuant to the provisions of Article 9;
 - (iii) when a licensed manufacturer has manufactured an amount of the specific chemical in excess of the quantity pertaining to the license under Article 10, paragraph (1);
 - (iv) when a licensed user has had the license revoked pursuant to the provisions of Article 12;
 - (v) when a licensed user no longer needs to use the specific chemical pertaining to the license; or
 - (vi) when a licensed manufacturer or approved importer has manufactured or imported the specific chemical for the purpose of transferring it to a licensed user but the licensed user has had the license revoked pursuant to the provisions of Article 12 before acceptance of the specific chemical.
- (2) The person that must destroy the specific chemical pursuant to the provisions of the preceding paragraph (hereinafter referred to as the "person obligated to destroy") must notify the Minister of Economy, Trade and Industry of the specific chemical to be destroyed and its quantity and the destruction method pursuant to Order of the Ministry of Economy, Trade and Industry.
- (3) The Minister of Economy, Trade and Industry may order that the destruction method pertaining to the notification under the provisions of the preceding paragraph be changed (including commissioning the destruction to others) when the person considers the destruction method inappropriate.

(Conditions on License)

Article 19 (1) Conditions may be set for the license under Article 4, paragraph

(1) or Article 10, paragraph (1), and the conditions for the license may be changed.

- (2) Conditions under the preceding paragraph must be limited to minimum conditions necessary for ensuring appropriate implementation of the Chemical Weapons Convention or ensuring enforcement of the matters pertaining to the license, and they must not impose any undue obligations on the licensed person.

(Succession)

Article 20 (1) When inheritance or a merger occurs with respect to a licensed

manufacturer or licensed user, the heir (or person appointed as successor among two or more heirs by consent of all heirs) or the corporation that continues to exist after the merger or corporation that is established upon the

merger succeeds to the position of licensed manufacturer or licensed user.

- (2) The person that has succeeded to the licensed manufacturer or licensed user pursuant to the provisions of the preceding paragraph must, without delay, notify the Minister of Economy, Trade and Industry to this effect, with a document to prove the fact.

(Notification of Quantity Manufactured or Used)

Article 21 (1) A licensed manufacturer must notify the Minister of Economy, Trade and Industry each year of the quantity of the specific chemical manufactured in the preceding year, the maximum stock in the preceding year, and other matters specified by Order of the Ministry of Economy, Trade and Industry, with respect to the specific chemical manufactured, pursuant to Order of the Ministry of Economy, Trade and Industry.

- (2) A licensed user that has used the specific chemical pertaining to the license must notify the Minister of Economy, Trade and Industry of the quantity used and other matters specified by Order of the Ministry of Economy, Trade and Industry pursuant to Order of the Ministry of Economy, Trade and Industry.

(Record)

Article 22 (1) A licensed manufacturer must prepare a journal and record the following matters on the manufactured specific chemical in the journal:

- (i) the quantity manufactured;
 - (ii) if the specific chemical has been transferred to another person, the person that the licensed manufacturer transferred it to and the quantity transferred;
 - (iii) if the licensed manufacturer has used the specific chemical, the quantity used and the purpose of use;
 - (iv) the quantity of stock; and
 - (v) other matters specified by Order of the Ministry of Economy, Trade and Industry.
- (2) The journal in the preceding paragraph must be stored pursuant to Order of the Ministry of Economy, Trade and Industry.

(Incident Report)

Article 23 A licensed manufacturer, approved importer, licensed user or person obligated to destroy, or a person commissioned by any of these persons for transportation or destruction must report the incident to a police officer or coast guard officer without delay when the specific chemical in their possession has been stolen or gone missing.

Chapter IV Notification of Manufacture of Designated Chemicals

(Anticipated Quantity of First-Class Designated Chemical Manufactured)

- Article 24 (1) A person engaged in manufacturing, extracting, or refining (hereinafter referred to as "manufacturing, etc.") a first-class designated chemical must, if the quantity of the first-class designated chemical intended to be manufactured, etc. in the next year is expected to exceed the quantity predetermined by Order of the Ministry of Economy, Trade and Industry for each place of business per chemical, notify the Minister of Economy, Trade and Industry, pursuant to Order of the Ministry of Economy, Trade and Industry, of the quantity of each first-class designated chemical intended to be manufactured, etc. in the next year at each place of business and other matters specified by Order of the Ministry of Economy, Trade and Industry.
- (2) A person engaged in manufacturing, etc. of a first-class designated chemical must, if the quantity of the first-class designated chemical intended to be manufactured, etc. in the current year exceeds the quantity predetermined by Order of the Ministry of Economy, Trade and Industry under the preceding paragraph for each place of business per chemical, notify the Minister of Economy, Trade and Industry in advance, pursuant to Order of the Ministry of Economy, Trade and Industry, to the effect and of the quantity of each first-class designated chemical intended to be manufactured, etc. in the current year at each place of business and other matters specified by Order of the Ministry of Economy, Trade and Industry under the preceding paragraph; provided, however, that this does not apply when notification under the preceding paragraph has been made with respect to the quantity of each first-class designated chemical to be manufactured, etc. in the relevant year at each place of business.
- (3) A person that manufactured, extracted, or refined a first-class designated chemical, in any of the past three years, in excess of the quantity predetermined by Order of the Ministry of Economy, Trade and Industry under paragraph (1) for each place of business per chemical, and a person that has made a notification under the preceding two paragraphs with respect to the quantity of each first-class designated chemical to be manufactured, etc. in the current year at each place of business must, pursuant to Order of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry of the quantity of each first-class designated chemical to be manufactured, etc. in the next year at each place of business and other matters specified by Order of the Ministry of Economy, Trade and Industry under paragraph (1); provided, however, that this does not apply when notification under paragraph (1) is made with respect to the quantity.
- (4) The person that has made a notification under the preceding three paragraphs must, if the quantity of each first-class designated chemical to be

manufactured, etc. in the relevant year significantly exceeds the quantity pertaining to the notification based on Order of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry in advance, pursuant to Order of the Ministry of Economy, Trade and Industry, to this effect; provided, however, that this does not apply when the person that has made a notification under the preceding paragraph must make a notification under paragraph (2) with respect to the quantity of each first-class designated chemical to be manufactured, etc. in the year pertaining to the notification at each place of business.

(Actual Quantity of First-Class Designated Chemicals Manufactured)

Article 25 Pursuant to Order of the Ministry of Economy, Trade and Industry the person that has made a notification under Article 24, paragraphs (1) through (3) must notify the Minister of Economy, Trade and Industry of the quantity of each first-class designated chemical manufactured, etc. in the year pertaining to the notification at each place of business and other matters specified by Order of the Ministry of Economy, Trade and Industry.

(Application Mutatis Mutandis to Use of First-Class Designated Chemicals)

Article 26 The provisions of the preceding two articles apply mutatis mutandis to a person that uses a first-class designated chemical (including products containing a first-class designated chemical as specified by Order of the Ministry of Economy, Trade and Industry) pursuant to Order of the Ministry of Economy, Trade and Industry, and the quantity of a first-class designated chemical used (or the quantity of a first-class designated chemical contained in products used).

(Application Mutatis Mutandis to the Manufacture of Second-Class Designated Chemicals)

Article 27 The provisions of Article 24 and Article 25 apply mutatis mutandis to a person that manufactures a second-class designated chemical and the quantity of second-class designated chemical manufactured. In this case, "any of the past three years" in Article 24, paragraph (3) is deemed to be replaced with "preceding year".

(Actual Quantity of Designated Chemicals Exported or Imported)

Article 28 A person that has exported or imported a designated chemical (including products containing a designated chemical as specified by Order of the Ministry of Economy, Trade and Industry) must notify the Minister of Economy, Trade and Industry each year of the quantity of designated chemicals exported or imported in the preceding year (or the quantity of a

designated chemical contained products exported or imported) pursuant to Order of the Ministry of Economy, Trade and Industry.

(Classification for Actual Quantity of Organic Chemicals Manufactured)

Article 29 (1) A person engaged in manufacturing (excluding manufacture as specified by Cabinet Order; hereinafter the same applies in this article) the organic chemicals other than the specific chemicals and the designated chemicals as specified by Cabinet Order (hereinafter simply referred to as "organic chemicals") must, if the quantity of organic chemicals manufactured in the preceding year at each place of business exceeded the quantity predetermined by Order of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry, pursuant to Order of the Ministry of Economy, Trade and Industry, to this effect and of the classification of the quantity of organic chemicals manufactured in the preceding year at each place of business based on Order of the Ministry of Economy, Trade and Industry.

(2) A person engaged in manufacturing the organic chemicals containing phosphorus, sulfur or fluorine as specified by Cabinet Order (hereinafter referred to as "specific organic chemicals") must notify the Minister of Economy, Trade and Industry, pursuant to Order of the Ministry of Economy, Trade and Industry, to this effect and of the classification of the quantity of specific organic chemicals manufactured in the preceding year at each place of business based on Order of the Ministry of Economy, Trade and Industry if the quantity of specific organic chemicals manufactured in the preceding year at each place of business exceeded the quantity predetermined by Order of the Ministry of Economy, Trade and Industry.

Chapter V Inspection by International Organization

(Inspection by Persons Appointed by International Organizations)

Article 30 (1) In the presence of an employee appointed by the Minister of Economy, Trade and Industry from the staff (or an employee appointed by the Minister of Economy, Trade and Industry from the staff and an employee appointed by the Minister of Foreign Affairs from the staff in cases specified by Cabinet Order), and within the scope specified by the Chemical Weapons Convention, a person appointed by an international organization may enter the places where toxic chemicals or chemicals having similar toxic properties or materials from which these chemicals are made are handled or other places as designated by the international organization, inspect or photograph books, documents, and other articles, question the people concerned or take samples in the minimum necessary quantity for testing free of charge.

- (2) A person appointed by the government of a foreign country that is a State Party to the Chemical Weapons Convention (hereinafter referred to as the "government of a State Party") may, within the scope specified by the Chemical Weapons Convention, observe inspection, photographing, questioning, or taking of samples under the provisions of the preceding paragraph (hereinafter referred to as "inspection, etc.>").
- (3) The employee who observes inspection, etc. pursuant to the provisions of paragraph (1) must make efforts to ensure that the inspection, etc. will be conducted appropriately and smoothly within the scope of the Chemical Weapons Convention.
- (4) The employee who observes inspection, etc. pursuant to the provisions of paragraph (1) must carry a certificate for identification and produce it to the people concerned.
- (5) The Minister of Economy, Trade and Industry may, when the Minister finds it necessary, cause the National Institute of Technology and Evaluation (hereinafter referred to as "NITE") to observe inspection, etc. under the provisions of paragraph (1).
- (6) When causing NITE to observe inspection, etc. pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry is to instruct NITE to conduct inspection, etc., while informing it of the place of inspection, etc. and other necessary matters.
- (7) The employee of NITE who observes inspection, etc. pursuant to the provisions of paragraph (5) must carry a certificate for identification and produce it to the people concerned.

(Installation of Seals or Monitoring Devices)

- Article 31 (1) In the presence of an employee appointed by the Minister of Economy, Trade and Industry from the staff, and within the scope specified by the Chemical Weapons Convention, a person appointed by the international organization may install necessary seals or devices in the licensed manufacturer's plant or other places of business for the purpose of monitoring the manufacture or movement of the specific chemical.
- (2) The provisions of Articles 30, paragraphs (3) and (4) apply mutatis mutandis to the employee who observes the installation of seals or devices pursuant to the provisions of the preceding paragraph.
 - (3) It is prohibited for any person to, without justifiable grounds, remove, or damage the seals or devices installed pursuant to the provisions of paragraph (1).
 - (4) When the seals or devices installed pursuant to the provisions of paragraph (1) have been lost or damaged or involved in any other accidents, the licensed manufacturer must, without delay, notify the Minister of Economy, Trade and

Industry to this effect.

Chapter VI Miscellaneous Provisions

(Collection of Reports)

Article 32 (1) Within the limits necessary for this Act (or the provisions of Article 17, paragraph (2) in respect of the prefectural public safety commission) to take effect, the Minister of Economy, Trade and Industry or the prefectural public safety commission may cause a licensed manufacturer, approved importer, licensed user, or person obligated to destroy to report on their operation.

(2) When the international organization or the government of a State Party has made a request pursuant to the Chemical Weapons Convention, within the limits necessary for explaining to the international organization or the government of the State Party, the Minister of Economy, Trade and Industry may cause the person who handles toxic chemicals or chemicals having similar toxic properties or materials from which these chemicals are made and other persons to report on the matters pertaining to the request.

(3) When inspection, etc. under the provisions of Article 30, paragraph (1) has been conducted, the Minister of Economy, Trade and Industry may cause the people concerned to report on the activities covered by the inspection, etc. within the limits necessary for explaining to the international organization.

(On-Site Inspection)

Article 33 (1) Within the limits necessary for this Act to take effect, the Minister of Economy, Trade and Industry may cause the employee to enter the office, plant or other places of business of the licensed manufacturer, approved importer, licensed user, or person obligated to destroy, inspect books, documents, and other articles, question the people concerned, or take samples in the minimum necessary quantity for testing free of charge.

(2) Within the limits necessary for the provisions of Article 17, paragraph (2) to take effect, the prefectural public safety commission may cause a police employee to enter the office, plant, or other places of business of the licensed manufacturer, approved importer, licensed user or person obligated to destroy, inspect books, documents, and other articles, or question the people concerned.

(3) The employee who makes an entry pursuant to the provisions of the preceding two paragraphs must carry a certificate for identification and produce it to the people concerned.

(4) When the Minister finds it necessary, the Minister of Economy, Trade and Industry may cause NITE to conduct on-site inspection, questioning, or sampling under the provisions of paragraph (1).

- (5) When causing NITE to conduct on-site inspection, questioning, or sampling pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry is to instruct NITE to conduct these operations, while informing it of the place of on-site inspection and other necessary matters.
- (6) Having conducted on-site inspection, questioning, or sampling prescribed in paragraph (4) as instructed under the preceding paragraph, NITE must report to the Minister of Economy, Trade and Industry about the results of these operations.
- (7) The employee of NITE who makes an entry pursuant to the provisions of paragraph (4) must carry a certificate for identification and produce it to the people concerned.
- (8) The authority under the provisions of paragraphs (1) and (2) must not be construed as being granted for criminal investigation purposes.

(Orders to NITE)

Article 33-2 The Minister of Economy, Trade and Industry may issue NITE the necessary orders concerning these operations when the Minister finds it necessary for ensuring appropriate implementation of observation under the provisions of Article 30, paragraph (5) or on-site inspection, questioning, or taking of samples prescribed in Article 33, paragraph (4).

(Application for Review on Taking of Samples by NITE)

Article 33-3 Any person who is dissatisfied with sampling conducted by NITE may apply to the Minister of Economy, Trade and Industry for review under the Administrative Complaint Review Act (Act No. 160 of 1962). In this case, the Minister of Economy, Trade and Industry is deemed to be the higher administrative authority with regard to the application of the provisions of Article 25, paragraphs (2) and (3), and Article 47 of the Administrative Complaint Act (Act No. 68 of 2014).

(Special Provisions on Specified Facility)

Article 34 (1) The manufacture by the State of specific chemicals in a quantity specified by Cabinet Order at one specified facility (the only national facility designated by Cabinet Order as a facility for the manufacture of specific chemicals for the purpose of conducting research on how to protect the human body from toxic properties of specific chemicals (hereinafter referred to as "specific research"); hereinafter the same) is deemed to be implemented with approval under Article 4, paragraph (1) through substitute rules pursuant to the provisions of Article 36, and the use by the State of specific chemicals in the quantity specified by Cabinet Order at the specified facility is deemed to be

implemented with approval under Article 10, paragraph (1) through substitute rules pursuant to the provisions of Article 36.

- (2) The provisions of Article 18, paragraph (1), and Article 32, paragraphs (2) and (3) do not apply mutatis mutandis to the specific chemicals for which approval for use is deemed to be granted pursuant to the provisions of the preceding paragraph or matters pertaining to the specific chemicals.
- (3) When a person appointed by the international organization enters the specified facility and conducts inspection, etc. and when a person appointed by the international organization installs seals or devices in the specified facility, the "Minister of Economy, Trade and Industry" in Article 30, paragraph (1) and Article 31, paragraph (1) is deemed to be replaced with the "head of the administrative organ pertaining to the specified facility".

(Relationship Between the Minister of Economy, Trade and Industry and the National Public Safety Commission)

- Article 35 (1) Having taken actions under the provisions of Article 4, paragraph (1), Article 9, Article 10, paragraph (1) or Article 12 or having received notifications under the provisions of Article 7, paragraph (2) or (3) (except for item (ii)), Article 8, paragraph (1), Article 20, paragraph (2) or Article 21, paragraph (2), the Minister of Economy, Trade and Industry must, without delay, notify the National Public Safety Commission to this effect. The same applies when notification under the provisions of Article 18, paragraph (2) has been made, and destruction is commissioned to other parties or the Minister of Economy, Trade and Industry has ordered destruction to be commissioned to other parties pursuant to the provisions of Article 18, paragraph (3).
- (2) A police officer or coast guard officer who has received a notification under the provisions of Article 23 must notify the Minister of Economy, Trade and Industry to this effect without delay.
 - (3) The Minister of Economy, Trade and Industry and the National Public Safety Commission are to cooperate with each other to prevent specific chemicals from being stolen or going missing.

(Application to the State)

Article 36 The provisions of this Act, except those of the next chapter, applies to the State. In this case, the term "license" or "permission" is deemed to be replaced with "approval".

(Transitional Measures)

Article 37 When an order is enacted, revised or abolished in accordance with this Act, transitional measures (including transitional measures for penal provisions) may be specified by the order as required to the extent reasonably

necessary for enacting, revising, or abolishing it.

Chapter VII Penal Provisions

Article 38 (1) A person who has used a chemical weapon, thereby discharging toxic chemicals or chemicals having similar toxic properties that are placed inside the chemical weapon or produced within the chemical weapon is punishable by imprisonment for life or for not less than two years or a fine of not more than ten million yen.

(2) A person who has, without due cause, discharged toxic chemicals or chemicals having similar toxic properties, thereby threatening human life, body, or property is punishable by imprisonment for not more than ten years or a fine of not more than five million yen.

(3) Attempt of the offenses prescribed in the preceding two paragraphs is punishable.

Article 39 (1) A person who has violated the provisions of Article 3, paragraph (1) is punishable by imprisonment with work for a definite term of not less than one year or a fine of not more than seven million yen.

(2) A person who has violated the provisions of Article 3, paragraph (2) is punishable by imprisonment for not more than ten years or a fine of not more than five million yen.

(3) A person who has violated the provisions of Article 3, paragraph (3) or (4) is punishable by imprisonment for not more than seven years or a fine of not more than three million yen.

(4) Attempt of the offenses prescribed in the preceding three paragraphs is punishable.

Article 40 A person who has prepared for committing the offense prescribed in Article 38, paragraph (1) is punishable by imprisonment for not more than five years or a fine of not more than two million yen.

Article 41 A person who has prepared for committing the offense prescribed in Article 39, paragraph (1) is punishable by imprisonment for not more than three years or a fine of not more than one million yen.

Article 42 The offenses prescribed in Article 38, paragraphs (1) and (3) (limited to the part concerning Article 38, paragraph (1)) are governed by Article 3 and Article 4-2 of the Penal Code (Act No. 45 of 1907), the offenses prescribed in Article 38, paragraphs (2) and (3) (limited to the part concerning Article 38, paragraph (2)) are governed by Article 4-2 of the Penal Code, and the offenses

prescribed in the preceding three articles are governed by Article 3 of the Penal Code.

Article 43 A person who falls under any of the following items is punishable by imprisonment for not more than three years or a fine of not more than one million yen or both:

- (i) a person who has manufactured a specific chemical without license under Article 4, paragraph (1);
- (ii) a person who has violated an order issued under the provisions of Article 9, paragraph (1); or
- (iii) a person who has used a specific chemical without license under Article 10, paragraph (1).

Article 44 A person who falls under any of the following items is punishable by imprisonment for not more than one year or a fine of not more than 500,000 yen or both:

- (i) a person who has , changed matters listed in Article 4, paragraph (2), item (iii) or (iv) in violation of the provisions of Article 7, paragraph (1);
- (ii) a person who has manufactured a specific chemical in violation of the provisions of Article 14, paragraph (1);
- (iii) a person who has violated the provisions of Article 15, paragraph (1), Article 16, paragraph (1), or Article 18, paragraph (1); or
- (iv) a person who has destroyed a specific chemical in violation of an order issued under the provisions of Article 18, paragraph (3).

Article 45 A person who falls under any of the following items is punishable by a fine of not more than 300,000 yen:

- (i) a person who has failed to make a notification under the provisions of Article 7, paragraph (2), Article 17, paragraph (1), Article 18, paragraph (2), Article 21, Article 23, Article 24, paragraphs (2) through (4) or Article 25 (including when these provisions apply mutatis mutandis pursuant to Article 26 or Article 27), or Article 28, Article 29 or Article 31, paragraph (4), or has made a false notification;
- (ii) a person who has violated the provisions of Article 16, paragraph (2), Article 17, paragraph (4), or Article 31, paragraph (3);
- (iii) a person who has failed to prepare a journal or record necessary matters in the journal, or has made false records in violation of the provisions of Article 22, paragraph (1);
- (iv) a person who has failed to store the journal in violation of the provisions of Article 22, paragraph (2);
- (v) a person who has refused, obstructed, or avoided inspection, photographing,

- or taking of samples under the provisions of Article 30, paragraph (1) or has failed to answer questions under the referenced paragraph or stated false answers;
- (vi) a person who has refused, obstructed or avoided observation under the provisions of Article 30, paragraph (2);
 - (vii) a person who has refused, obstructed, or avoided the installation of seals or devices under the provisions of Article 31, paragraph (1);
 - (viii) a person who has failed to report under the provisions of Article 32 or has made false report;
 - (ix) a person who has refused, obstructed, or avoided inspection or taking of samples under the provisions of Article 33, paragraph (1) or has failed to answer questions under the referenced paragraph or stated false answers; or
 - (x) a person who has refused, obstructed, or avoided inspection under the provisions of Article 33, paragraph (2) or has failed to answer questions under the referenced paragraph or stated false answers.

Article 46 When the representative of a corporation or an agent, employee, or other worker of a corporation or an individual has committed the offenses prescribed in Article 38 or Article 40 or violations prescribed in Article 39 or Article 41 or the preceding three articles with regard to the business of the corporation or individual, not only the offender is punishable but also the corporation or individual is punishable by the fine prescribed in the respective articles.

Article 47 A person who has failed to make a notification under the provisions of Article 7, paragraph (3), Article 8, paragraph (1), Article 15, paragraph (2), or Article 20, paragraph (2) or has made a false notification is punishable by a civil fine of not more than 200,000 yen.

Article 48 The officer of NITE who has violated an order under the provisions of Article 33-2 is punishable by a civil fine of not more than 200,000 yen.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items (effective as of May 5, 1995, by Cabinet Order No. 191 of 1995):

- (i) the provisions of Article 28, Article 29, and Article 45, item (i) (limited to

- the part concerning Article 28 and Article 29), and Article 4, paragraphs (1), (3), and (4) (limited to the part concerning paragraph (1)) and Article 5, paragraph (2), item (ii) (limited to the part concerning Article 4, paragraph (1) of the Supplementary Provisions (including when it applies *mutatis mutandis* pursuant to Article 4, paragraph (3) or (4) of the Supplementary Provisions)): the date specified by Cabinet Order prior to the date on which the Convention takes effect in Japan (hereinafter referred to as the "Effective Date of the Convention") (effective as of March 19, 1997, by Cabinet Order No. 18 of 1997); and
- (ii) the provisions of Article 2, paragraph (8), Chapter IV (except for Article 28 and Article 29), Chapter V, Article 32, paragraphs (2) and (3), and Article 34, paragraph (2) (except for the part concerning Article 18, paragraph (1)) and paragraph (3), Article 45, item (i) (limited to the part concerning Article 24, paragraphs (2) through (4) and Article 25 (including when these provisions apply *mutatis mutandis* pursuant to Article 26 or Article 27) and Article 31, paragraph (4)), Article 45, item (ii) (limited to the part concerning Article 31, paragraph (3)), and Article 45, items (v) through (vii) and (viii) (except for the part concerning Article 32, paragraph (1)), and Article 3, Article 4, paragraphs (2) through (3) and (4) (limited to the part concerning paragraph (2)) of the Supplementary Provisions: Effective Date of the Convention (April 29, 1997).

(Transitional Measures)

- Article 2 (1) When a person, who possesses a specific chemical at the time this Act taking effect, fails to apply for a license under Article 10, paragraph (1) within 30 days of the effective date of this Act (hereinafter referred to as the "grace period") or applies for a license during the grace period but the application is denied, the person must destroy the specific chemical in possession without delay after the expiration of the grace period in the former case or after the denial in the latter case.
- (2) A person who possesses a specific chemical upon this Act taking effect may possess the specific chemical during the periods listed below notwithstanding the provisions of Article 16, paragraph (1). The same applies when the person's employee possesses the specific chemical in the course of duties or another person commissioned by the person for transportation or destruction (including the person's employee) possesses the specific chemical for the purpose of transportation or destruction:
- (i) grace period;
 - (ii) period until an action is taken on the application for a license under Article 10, paragraph (1) filed during the grace period; and
 - (iii) period until destruction is carried out pursuant to the provisions of the

preceding paragraph.

- (3) The provisions of Article 16, paragraph (2) apply *mutatis mutandis* to a person who possesses a specific chemical pursuant to the provisions of the preceding paragraph.
- (4) With regard to the application of the provisions of Article 17 and Article 23, a person who possesses a specific chemical upon this Act taking effect is deemed to be a licensed user.
- (5) The provisions of Article 18, paragraphs (2) and (3) apply *mutatis mutandis* when a person who possesses a specific chemical upon this Act taking effect destroys the specific chemical.
- (6) The provisions of the preceding paragraphs do not apply to specific chemicals possessed by the State at the specified facility upon this Act taking effect.

Article 3 (1) With regard to the application of the provisions of Article 24, paragraph (2) to a person engaged in manufacturing, etc. of a first-class designated chemical and the quantity of the first-class designated chemical manufactured, etc. in the year that includes the Effective Date of the Convention exceeds, prior to the Effective Date of the Convention or within 30 days from the Effective Date of the Convention, the quantity predetermined by Order of the Ministry of International Trade and Industry under Article 24, paragraph (1) for each place of business per chemical, "in advance" in Article 24, paragraph (2) means "within 30 days from the date on which the Convention takes effect in Japan".

- (2) The provisions of the preceding paragraph apply *mutatis mutandis* to a person who uses a first-class designated chemical (including chemicals containing a first-class designated chemical as specified by Order of the Ministry of International Trade and Industry under Article 26; hereinafter the same applies under Article 4, paragraph (3)) pursuant to Order of the Ministry of International Trade and Industry under Article 26, and the quantity of a first-class designated chemical used (or the quantity of a first-class designated chemical contained in the chemicals used; hereinafter the same applies under Article 4, paragraph (3)).
- (3) The provisions of paragraph (1) apply *mutatis mutandis* to a person engaged in manufacturing a second-class designated chemical and the quantity of second-class designated chemical manufactured.

Article 4 (1) A person who manufactured, extracted, or refined a first-class designated chemical, in any of the three years preceding the year that includes the Effective Date of the Convention, in excess of the quantity predetermined by Order of the Ministry of Economy, Trade and Industry under Article 24, paragraph (1) for each place of business per chemical must, pursuant to Order

of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry of the quantity of each first-class designated chemical to be manufactured, etc. in the preceding three years at each place of business and other matters specified by Order of the Ministry of Economy, Trade and Industry.

- (2) With regard to the application of the provisions of Article 25, a person who has made a notification under the provisions of the preceding paragraph is deemed to have made a notification pursuant to the provisions of Article 24, paragraphs (1) through (3) with respect to the quantity of each first-class designated chemical intended to be manufactured, etc. in the year that includes the Effective Date of the Convention at each place of business.
- (3) The provisions of the preceding two paragraphs apply *mutatis mutandis* to a person who has used a first-class designated chemical pursuant to Order of the Ministry of Economy, Trade and Industry under Article 26 and the quantity of a first-class designated chemical used.
- (4) The provisions of paragraph (1) and paragraph (2) apply *mutatis mutandis* to a person who has manufactured a second-class designated chemical and the quantity of second-class designated chemical manufactured. In this case, "any of the three years preceding" and "preceding three years" are deemed to be replaced with "the year preceding" and "preceding year" respectively.

Article 5 (1) A person who falls under any of the following items is punishable by imprisonment for not more than one year or a fine of not more than 500,000 yen or both:

- (i) a person who has violated the provisions of Article 2, paragraph (1) of the Supplementary Provisions; or
 - (ii) a person who has destroyed the specific chemical in violation of an order issued under the provisions of Article 18, paragraph (3) that applies *mutatis mutandis* pursuant to Article 2, paragraph (5) of the Supplementary Provisions.
- (2) A person who falls under any of the following items is punishable by a fine of not more than 300,000 yen:
- (i) a person who has violated the provisions of Article 16, paragraph (2) that applies *mutatis mutandis* pursuant to Article 2, paragraph (3) of the Supplementary Provisions; or
 - (ii) a person who has failed to make a notification under the provisions of Article 18, paragraph (2) or paragraph (1) of the preceding article (including when it applies *mutatis mutandis* pursuant to paragraph (3) or paragraph (4) of the referenced article) that apply *mutatis mutandis* pursuant to Article 2, paragraph (5) of the Supplementary Provisions, or has made a false notification.

- (3) When the representative of a corporation or an agent, employee, or other worker of a corporation or an individual has committed the violations prescribed in the preceding two paragraphs with regard to the business of the corporation or individual, not only the offender is punishable but also the corporation or individual is punishable by the fine prescribed in the respective paragraphs.

Article 6 In addition to what is provided in Articles 2 through 5 of the Supplementary Provisions, necessary transitional measures for this Act to take effect are specified by Cabinet Order.

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

(Effective Date)

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

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

(Effective Date)

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

- (i) the provisions for revision in Article 1 to add five articles, the section title, and two subsections and their titles following Article 250 of the Local Autonomy Act (limited to the parts concerning Article 250-9, paragraph (1) of the referenced Act (limited to the part concerning the requirement of consent of both Houses)), the provisions in Article 40 to revise paragraph (9) and paragraph (10) of the Supplementary Provisions for the Natural Parks Act (limited to the part concerning paragraph (10) of the Supplementary Provisions for the referenced Act), the provisions of Article 244 (except for the part concerning the provisions to revise Article 14-3 of the Agricultural Improvement Promotion Act), and the provisions of Article 472 (except for the part concerning the provisions to revise Article 6, Article 8, and Article 17 of the Act on Special Provisions on Merger of Municipalities), and the provisions of Article 7, Article 10, Article 12, proviso of Article 59, Article 60, paragraphs (4) and (5), Article 73, Article 77, Article 157, paragraphs (4) through (6), Article 160, Article 163, Article 164, and Article 202 of the Supplementary Provisions: date of promulgation.

(Affairs of the State)

Article 159 Beyond what is provided in the respective Acts prior to the revision

by this Act, affairs that are managed or performed, prior to this Act taking effect, by a local government organ on behalf of the State, other local governments, or other public bodies pursuant to Acts or Cabinet Order enacted on them (hereinafter referred to as "affairs of the State, etc." in Article 161 of the Supplementary Provisions) are, after this Act, handled by the local government as its affairs pursuant to Acts or Cabinet Order enacted on them.

(Transitional Measures for Actions, Applications)

Article 160 (1) With respect to actions to grant licenses or permission, etc. and other acts conducted prior to this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions; hereinafter the same applies in this article and Article 163 of the Supplementary Provisions) pursuant to the respective Acts prior to the revision (hereinafter referred to as "actions and other acts" in this article) or applications for license or permission, etc. and other acts pending upon this Act taking effect pursuant to the respective Acts before the revision (hereinafter referred to as "application and other acts" in this article), if administrative affairs pertaining to these acts come under the jurisdiction of different persons on the effective date of this Act, these acts, except those prescribed in Articles 2 through 159 of the Supplementary Provisions or in the provisions of the respective Acts concerning transitional measures, are deemed, with regard to the application of the respective revised Acts after the effective date of this Act, as actions and other acts conducted or applications and other acts pending pursuant to relevant provisions of the respective revised Acts.

(2) With respect to matters for which reports, notification, submission, or other procedures are conducted before the state or local government organs prior to this Act taking effect pursuant to the respective Acts before the revision, if these procedures have not yet been conducted by the effective date of this Act, the provisions of the respective Acts revised by this Act apply to the procedures, except those otherwise provided by this Act or Cabinet Order enacted on them, on the assumption that reports, notification, submission or other procedures have not yet been conducted with respect to matters for which the procedures are conducted before the State or local government organs pursuant to relevant provisions of the respective revised Acts.

(Transitional Measures for Appeal)

Article 161 (1) With respect to actions pertaining to affairs of the State, etc. taken prior to the effective date by the administrative authority that took the actions (hereinafter referred to as an "administrative agency that took the actions") that were subordinated, prior to the effective date, to a higher administrative authority prescribed under the Administrative Appeal Act

(hereinafter referred to as a "higher administrative authority" in this article), the Administrative Appeal Act applies to appeals taken of the actions pursuant to the Act, on the assumption that the administrative agency that took the actions are still subordinated to a higher administrative authority after the effective date. In this case, the administrative authority that are deemed as a higher administrative authority of the administrative agency that took the actions are the administrative authority to which the administrative agency that took the actions were subordinated prior to the effective date.

- (2) In the case referred to in the preceding paragraph, when the administrative authority deemed to be the higher administrative authority is a local government organ, the affairs to be handled by the organ pursuant to the provisions of the Administrative Appeal Act is item (i) statutorily commissioned affairs prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures for Fees)

Article 162 With regard to fees payable prior to the effective date pursuant to the provisions of the respective Acts prior to the revision by this Act (including orders issued under them), except those otherwise provided by this Act or Cabinet Order enacted on them, the provisions then in force remain applicable.

(Transitional Measures for Penal Provisions)

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

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) Beyond what is provided for in the Supplementary Provisions, necessary transitional measures for this Act (including transitional measures for penal provisions) are specified by Cabinet Order.

- (2) Necessary matters concerning the application of Article 18, Article 51, and Article 184 of the Supplementary Provisions are specified by Cabinet Order.

(Examination)

Article 250 Item (i) statutorily commissioned affairs prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act are additionally created to the minimum possible extent, and the affairs listed in Appended Table I of the new Local Autonomy Act and those provided for by Cabinet Order enacted under the new Local Autonomy Act are examined from the perspective of promoting decentralization and be reviewed as appropriate.

Article 251 In order to enable local governments to execute their affairs and

services voluntarily and independently, the national government is to examine how to secure adequate sources of local tax revenue based on the sharing of roles between the national and local governments taking into account the prevailing economic trends, and to take the necessary measures based on the examination results.

Article 252 Along with various reforms such as the medical insurance system reform and the pension system reform, the national government is, to study an ideal administrative system for social insurance and how the employees engaged in the systems should be from the viewpoint of ensuring convenience for the insured and increasing efficiency in administration, and take measures as required based on examination results when it finds it necessary.

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

(Effective Date)

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

(Transitional Measures)

Article 3 (1) With regard to the application of the provisions for revision by this Act on quasi-incompetent persons and their curators, for which the provisions then in force remain applicable pursuant to the provisions of Article 3, paragraph (3) of the Supplementary Provisions of the Act for Partial Revision of the Civil Code (Act No. 149 of 1999), except for the following provisions for revision, the provisions then in force remain applicable:

Items (i) through (xxv): Omitted

Article 4 (1) With regard to the application of penal provisions to acts committed prior to this Act taking effect, the provisions then in force remain applicable.

Act for Enforcement of the Act on Central Government Reform (Act No. 160 of 1999) Extract

(Transitional Measures for Actions, Applications)

Article 1301 (1) With the exception of those otherwise provided for by laws and regulations, licenses, permissions, approvals, recognitions, designations, and other actions or notices granted or made or other acts conducted by the previous state organs pursuant to laws and regulations prior to effectuating the Act for the Act on Central Government Reform and this Act (hereinafter collectively referred to as the "Reform Act, etc.") to take effect are, after the Reform Act, etc. taking effect, deemed as licenses, permissions, approvals, recognitions, designations, and other actions or notices granted or made or

other acts conducted by the relevant state organs in accordance with the relevant laws and regulations after the Reform Act, etc. taking effect.

- (2) With the exception of those otherwise provided for by laws and regulations, applications, notifications, and other acts pending before the previous state organs pursuant to laws and regulations upon effectuating the Reform Act, etc. are, after the Reform Act, etc. taking effect, deemed as applications, notifications, and other acts pending before the relevant state organs in accordance with relevant laws and regulations after the Reform Act, etc. taking effect.
- (3) With respect to matters for which report, notification, submission, or other procedures must be conducted before the previous state organs pursuant to laws and regulations prior to the Reform Act, etc. taking effect, if these procedures have not yet been conducted by the effective date of the Reform Act, etc., with the exception of those otherwise provided for by laws and regulations, the provisions of laws and regulations after the Reform Act, etc. taking effect apply to the procedures, on the assumption that report, notification, submission, or other procedures have not yet been conducted with respect to matters for which the procedures must be conducted before the relevant state organs pursuant to relevant laws and regulations after the Reform Act, etc. taking effect.

(Transitional Measures for Penal Provisions)

Article 1303 With regard to the application of penal provisions to acts committed prior to the Reform Act, etc. taking effect, the provisions then in force remain applicable.

(Delegation to Cabinet Order)

Article 1344 With the exception of those provided for in Articles 71 through 76 and Articles 1301 through 1343 as well as by the Act on Central Government Reform, necessary transitional measures for the Reform Act, etc. (including transitional measures for penal provisions) to take effect are specified by Cabinet Order.

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

(Effective Date)

Article 1 This Act (except for Article 2 and Article 3) comes into effect as of January 6, 2001; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of Article 995 (limited to the part concerning the provisions for revision in the Supplementary Provisions of the Act for Partial Revision

of the Act on the Regulation of Nuclear Source Materials, Nuclear Fuel Materials and Reactors), Article 1305, Article 1306, Article 1324, paragraph (2), Article 1326, paragraph (2), and Article 1344: date of promulgation.

Supplementary Provisions [Act No. 204 of December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of January 6, 2001; provided, however, that the provisions of Articles 8 through 19 of the Supplementary Provisions come into effect as of the date specified by Cabinet Order within a period not exceeding six months from the referenced date (effective as of April 1, 2001, by Cabinet Order No. 333 of 2000).

(Transitional Measures for Penal Provisions)

Article 20 With regard to the application of penal provisions to acts committed prior to this Act taking effect, the provisions then in force remain applicable.

(Delegation to Cabinet Order)

Article 21 With the exception of those provided in Articles 2 through 7, Article 9, Article 11, Article 18, and Article 20 of the Supplementary Provisions, necessary transitional measures for the establishment of NITE and necessary transitional measures for this Act taking effect are specified by Cabinet Order.

Supplementary Provisions [Act No. 121 of November 16, 2001] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date on which the International Convention for the Suppression of Terrorist Bombings takes effect in Japan (December 16, 2001).

(Transitional Measures)

Article 2 (1) The provisions of Article 10 of the revised Criminal Regulations to Control Explosives, the provisions of Article 51-2 of the Act on Prevention of Radiation Hazards Caused by Radioactive Isotopes, the provisions of Article 4 of the Act on Punishment of Use and Others of Molotov Cocktails, the provisions of Article 11 of the Act on Implementing the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Other Conventions, the provisions of Article 42 of the Act on Prohibition of Chemical Weapons and Control of Specific Chemicals (limited to the part concerning Article 4-2 of the Penal Code (Act No. 45 of 1907)), and the provisions of Article

8 of the Act on Prevention of Bodily Harm by Sarin and Similar Substances only apply to the offenses that are punishable even when committed outside Japan pursuant to conventions that take effect after this Act taking effect.

(2) Omitted

Supplementary Provisions [Act No. 38 of May 11, 2007] [Extract]

(Effective Date)

Article 1 This Act comes into effect from the date on which the International Convention for the Suppression of Acts of Nuclear Terrorism becomes effective for Japan.

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

(Effective Date)

Article 1 This Act comes into effect as of the effective date of the Administrative Complaint Review Act (Act No. 68 of 2014).

(Principles of Transitional Measures)

Article 5 Unless otherwise provided for in these Supplementary Provisions, prior acts continue to govern administrative appeals on actions or other acts or inactions of an administrative authority which pertain to actions or other acts of an administrative authority made before this Act comes into effect or to inactions of an administrative authority based on applications made before this Act comes into effect.

(Transitional Measures Concerning Litigation)

Article 6 (1) Prior Acts continue to govern the filing of an action with regard to matters for which an action may be filed only after a determination, decision, or any other act is made by an administrative authority in relation to an administrative appeal pursuant to the provisions of Acts amended by the provisions of this Act and for which the statutes of limitation for filing an action has expired before this Act comes into effect while no administrative appeal has been taken (if this administrative appeal may be taken only after a determination, decision, or any other act is made by an administrative authority in relation to another administrative appeal, including matters for which the statute of limitations for filing an action has expired before this Act comes into effect while no other administrative appeal has been taken).

(2) Prior laws continue to govern the filing of an action for revocation of an administrative action or any other act against which an objection has been filed pursuant to the provisions of laws prior to amendment by the provisions

of this Act (including when prior laws continue to govern pursuant to the provisions of the preceding Article) and for which an action for revocation may be filed only after a determination on a request for review is made pursuant to the provisions of laws amended by the provisions of this Act.

- (3) Prior laws continue to govern an action for revocation of a determination, decision, or any other act made by an administrative authority in relation to an administrative appeal, where the action has been filed before this Act comes into effect.

(Transitional Measures for Penal Provisions)

Article 9 Prior laws continue to govern the application of penal provisions to acts committed before this Act comes into effect as well as any acts committed after this Act comes into effect if prior acts continue to govern pursuant to the provisions of Article 5 and the two preceding Articles of the Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 10 Beyond what is provided for in Article 5 through the preceding Article of the Supplementary Provisions, any necessary transitional measures for this Act (including transitional measures concerning penal provisions) to take effect are specified by Cabinet Order.

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

(Effective Date)

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

- (i) the provisions of Article 40, Article 59, and Article 61, Article 75 (limited to the provisions for revision of Article 34-20 of the Child Welfare Act), Article 85, Article 102, Article 107 (limited to the provisions for revision of Article 26 of the Act for Protection of Children Adopted Through Private Adoption Agencies), the provisions of Articles 111, Article 143, Article 149, and Article 152, the provisions of Article 154 (limited to those amending Article 25, item (vi) of the Act on Real Estate Appraisal), and the provisions of Article 168, the following Article, and Articles 3 and 6 of the Supplementary Provisions: the date of promulgation

(Transitional Measures for Acts by Administrative Authorities)

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

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

(Transitional Measures for Penal Provisions)

Article 3 Prior laws continue to govern applicability of penal provisions to conduct that a person engages in before this Act comes into effect.

(Review)

Article 7 (1) The national government studies the provisions in the Companies Act (Act No.86, 2005) and the Act on General Incorporated Associations and General Incorporated Foundations (Act No.48, 2006) which are restricting the qualifications of officers of corporations on the grounds that they are adult wards or persons under curatorship within one year after the promulgation of this Act, and based on the results, takes necessary legislative measures such as deletion of the referenced provisions and other measures.

Act on the Arrangement of Related Acts to Accommodate the Entry into Force of the Act Partially Amending the Penal Code and Other Acts (Act No. 68 of 2022) Extract

(Delegation of Transitional Measures to Cabinet Order)

Article 509 Beyond what is provided in this Part, necessary transitional measures in accordance with effectuating the Act on Partially Amending the Penal Code and other laws are specified by Cabinet Order.

Supplementary Provisions [Act No. 68 of June 17, 2022] [Extract]

(Effective Date)

(1) This Act comes into effect as of the effective date of the Act on Partially Amending the Penal Code; provided, however, that the provisions listed in the following item come into effect as of the date prescribed in the following item:

(i) The provisions of Article 509: date of promulgation