

Climate Change Adaptation Act (Tentative translation)

(Act No. 50 of June 13, 2018)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to promote Climate Change Adaptation through establishing necessary measures such as formulating plans for Climate Change Adaptation, providing information on the Climate Change Impact and Climate Change Adaptation and promoting heat illness countermeasures, thereby contributing to the health and cultural life of the Japanese people both at present and in the future in recognition of the impact that global warming (meaning global warming as stipulated in Article 2, paragraph (1) of the Act on Promotion of Global Warming Countermeasures (Act No. 117 of 1998)) and other climate change (hereinafter referred to as "Climate Change") has on daily life, society, economics, and the natural environment, and the risk that this impact will increase over the long term.

(Definition)

Article 2 (1) The term "Climate Change Impact" as used in this Act shall mean impact by Climate Change which negatively affects human health and the living environment, causes a decline in biodiversity, and impacts daily life, society, economy, and the natural environment in other ways.

(2) The term "Climate Change Adaptation" as used in this Act shall mean reacting to the Climate Change Impact so as to prevent or reduce damage, and to contribute to a stable living environment, sound development of a society and economy, and to preserve the natural environment.

(3) The term "Heat Illness Countermeasures" as used in this Act shall mean measures taken by the national or local governments or efforts undertaken by businesses or the general public as part of Climate Change Adaptation in order to prevent damage to human health due to heat illness.

(Responsibility of the National Government)

Article 3 (1) The national government shall promote the enhancement of scientific knowledge on Climate Change, Climate Change Impact, and Climate Change Adaptation (hereinafter referred to as "Climate Change, etc."), together with the efficient and effective use of this knowledge and shall comprehensively establish and promote policies for Climate Change Adaptation.

(2) The national government shall endeavor to set up a system to collect, organize, analyze, and provide information on Climate Change, etc. and take other measures in order to promote policies for Climate Change Adaptation, to promote policies by local governments for Climate Change Adaptation, and to promote Climate Change Adaptation and business activities that contribute to Climate Change Adaptation by businesses, members of the general public or private bodies that they set up (hereinafter referred to as "Businesses, etc.").

(Responsibilities of Local Governments)

Article 4 (1) Local governments shall endeavor to promote policies for Climate Change Adaptation in accordance with natural, economic, and social factors in their region.

(2) Local governments shall endeavor to provide information on the policies prescribed in the preceding paragraph and take other measures in order to promote Climate Change Adaptation and business activities that contribute to Climate Change Adaptation by Businesses, etc.

(The Role of Businesses)

Article 5 In order to carry out their own business activities smoothly, businesses shall endeavor in Adapting to Climate Change in accordance with the content of their business activities, and in cooperating with national and local governmental programs for Climate Change Adaptation.

(The Role of the General Public)

Article 6 Members of the general public shall endeavor to increase their interest in and understanding of the importance of Climate Change Adaptation and to cooperate with national and local governmental programs for Climate Change Adaptation.

Chapter II Climate Change Adaptation Plan

(Establishment of the Climate Change Adaptation Plan)

Article 7 (1) In order to promote a policy for Climate Change Adaptation comprehensively and systematically, the government shall establish a plan for Climate Change Adaptation (hereinafter referred to as the "Climate Change Adaptation Plan").

(2) The Climate Change Adaptation Plan shall prescribe the following.

- (i) the period for the plan;
- (ii) the basic objective of the policy for Climate Change Adaptation;
- (iii) particulars on the improvement and use of scientific knowledge relating to Climate Change, etc.;
- (iv) particulars on the setting up of a system to collect, organize, analyze, and provide information on Climate Change, etc.;
- (v) particulars on the role of the National Institute for Environmental Studies, National Research and Development Agency (hereinafter referred to as the "National Institute for Environmental Studies") on promoting Climate Change Adaptation;
- (vi) particulars on the promotion of policies for Climate Change Adaptation by local governments;
- (vii) particulars on the promotion of Climate Change Adaptation and business activities that contribute to Climate Change Adaptation by Businesses, etc.;
- (viii) particulars on securing international partnerships and promoting international cooperation in Climate Change, etc.;
- (ix) particulars on securing partnership and cooperation between the relevant administrative agencies in promoting policies for Climate Change Adaptation;
- (x) basic particulars on the Heat Illness Prevention Action Plan prescribed in Article 16, paragraph (1);
- (xi) important particulars for Climate Change Adaptation beyond what is set forth in the previous items.

(3) The Minister of the Environment shall prepare a proposal for the Climate Change Adaptation Plan and seek a cabinet decision on this proposal.

(4) Before preparing a draft of the Climate Change Adaptation Plan, the Minister shall consult in advance with the heads of the related administrative agencies.

(5) Upon the cabinet decision prescribed by paragraph (3), the Minister of the Environment shall announce the Climate Change Adaptation Plan without delay.

(Changes to the Climate Change Adaptation Plan)

Article 8 (1) The government shall consider the most recent comprehensive assessment of the Climate Change Impact prescribed in Article 10, paragraph

- (1), and other situations, and examine the Climate Change Adaptation Plan, and, if deemed necessary, shall promptly change the plan.
- (2) The provisions of paragraphs (3) to (5) of the preceding Article apply mutatis mutandis to changes in the Climate Change Adaptation Plan.

(Developing a Method of Evaluation)

Article 9 In order to contribute to the study prescribed in paragraph (1) of the preceding Article, the government shall endeavor to understand the progress of Climate Change Adaptation in detail through utilizing the Climate Change Adaptation Plan, and to develop a method of evaluation.

(Assessment of Climate Change Impact)

Article 10 (1) Based on the most recent scientific knowledge in Climate Change and various other fields in the observation, monitoring, projection and assessment of Climate Change Impact, the Minister of the Environment shall receive the opinions of the Central Environment Council approximately every 5 years and make and publicize a report on the comprehensive assessment of the Climate Change Impact. This, however, may be done after a shorter period if it is found to be necessary to do so, due to the improvement of scientific knowledge or other circumstances.

(2) Before preparing a draft as prescribed in paragraph (1) of the preceding Article, the Minister of Environment shall make a draft in advance and consult with the heads of the related administrative agencies.

Chapter III Promotion of Climate Change Adaptation

Section 1 Provision of Information on the Climate Change Impact and Climate Change Adaptation

(The Promotion of Climate Change Adaptation by the National Institute for Environmental Studies)

Article 11 (1) The National Institute for Environmental Studies shall undertake the following operations in accordance with the Climate Change Adaptation Plan.

- (i) collect, organize, analyze, and provide information regarding the Climate Change Impact and Climate Change Adaptation (excluding matters relating to research prescribed in the provisions of Article 20, paragraph (1));
- (ii) give technical advice and other technical assistance to Prefectures and Municipalities on the formulation and promotion of local climate change adaptation plans prescribed in the following Article (including special wards; the same shall apply hereinafter);
- (iii) give technical advice and other technical assistance to the local climate

- change adaptation centers prescribed in Article 13, paragraph (1);
- (iv) conduct operations incidental to the operations listed in item (iii) above;
- (2) The National Institute for Environmental Studies shall give due consideration to the importance of information on the Climate Change Impact affecting the daily lives of individual members of the general public, and shall also endeavor to cooperate with organs of the national government and incorporated administrative agencies carrying out research and studies, and technological development relating to Climate Change, etc. (the incorporated administrative agencies are those referred to in the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999) in Article 2, paragraph (1)) (referred to as "Research, etc. Institutions" in Article 14, paragraph (2))
- (3) The Minister of the Environment may give advice as necessary to the National Institute for Environmental Studies on the operations set forth in the items in paragraph (1).

(Local Climate Change Adaptation Plans)

Article 12 In view of the Climate Change Adaptation Plan, prefectures and municipalities shall, either independently or in coordination with each other, endeavor to formulate a local climate change adaptation plan (meaning a plan for adapting to climate change suitable to the natural, economic and social circumstances in their region) in order to promote policies regarding Climate Change Adaptation, in accordance with the natural, economic and social circumstances of their local area.

(Local Climate Change Adaptation Centers)

Article 13 (1) Prefectures and municipalities shall, either independently or in coordination with each other, endeavor to establish systems that will function as centers (referred to as "Local Climate Change Adaptation Centers" in the following paragraph and in paragraph (1) of the following Article), to collect, organize, analyze, and provide information regarding the Climate Change Impact and Climate Change Adaptation, and also to give technical advice in order to promote Climate Change Adaptation in their local area.

(2) Local Climate Change Adaptation Centers shall work to share gathered information and the results of organizing and analyzing this information with the National Institute for Environmental Studies.

(Regional Councils on Climate Change Adaptation)

Article 14 (1) Regional environment offices and other local administrative organs, prefectures and municipalities, Local Climate Change Adaptation Centers, Businesses, etc., and other entities engaged in activities in connection with

Climate Change Adaptation, may organize Regional Councils on Climate Change Adaptation (hereinafter, in this Article, referred to as "Regional Councils") in order to carry out necessary consultations on Climate Change Adaptation through wide-scale cooperation.

- (2) If deemed necessary, Regional Councils may request the National Institute for Environmental Studies and Research, etc. Institutions to provide materials, present opinions, give explanations of these and for other cooperation.
- (3) The members of Regional Councils shall respect the results of discussions concerning the matters agreed upon at Regional Council meetings.
- (4) General affairs of Regional Councils shall be processed by the Regional Environment Office.
- (5) Beyond what is provided for in each of the preceding paragraphs, the particulars necessary for the running of the Regional Council shall be determined by that Council.

(Cooperation in Related Policies)

Article 15 In promoting policies on Climate Change Adaptation, the national and local governments shall endeavor to cooperate with measures to prevent disasters, measures to encourage agriculture, forestry and fisheries, measures to conserve biodiversity, and other related measures.

Section 2 : Promotion of Heat Illness Countermeasures

(Formulation of the Heat Illness Prevention Action Plan)

Article 16 (1) In order to intensively and systematically promote heat illness countermeasures in accordance with the Climate Change Adaptation Plan, the government shall formulate a plan for implementing heat illness countermeasures(hereinafter, in this Article and the following Article, referred to as "Heat Illness Prevention Action Plan").

- (2) The Heat Illness Prevention Action Plan shall prescribe the following:
 - (i) the period for the plan;
 - (ii) the goals for the promotion of heat illness countermeasures;
 - (iii) particulars regarding the measures taken by the national government and local governments which are necessary in order to achieve the goals referred to in the preceding item;
 - (iv) particulars on the content of efforts for heat illness countermeasures by businesses and the general public;
 - (v) particulars on the role of the Environmental Restoration and Conservation Agency, Independent Administrative Agency for heat illness countermeasures;
 - (vi) other necessary particulars on implementation of the Heat Illness

Prevention Action Plan.

- (3) The provisions of paragraphs (3) through (5) of Article 7 shall apply mutatis mutandis to formulation of the Heat Illness Prevention Action Plan.

(Changes to the Heat Illness Prevention Action Plan)

Article 17 (1) The government shall consider the status of damage to human health due to heat illness and other situations, and examine the Heat Illness Prevention Action Plan, and, if it finds this necessary, shall promptly make changes to the plan.

- (2) The provisions of paragraphs (3) through (5) of Article 7 shall apply mutatis mutandis to changes to the Heat Illness Prevention Action Plan.

(Heat Stroke Alert)

Article 18 If the Minister of the Environment finds that the situation falls under any other cases specified by Order of the Ministry of the Environment as cases in which there is a risk of damage to human health due to heat illness caused by a significant rise in temperature, the Minister of the Environment shall state information to the effect that caution should be taken against the occurrence of such damage (referred to as "Heat Stroke Alert" in Article 20) by clarifying the period and region, and make it publicly known, where necessary, by seeking cooperation from broadcasting institutions, newspaper publishers, communication agencies, and other mass media (referred to as "Press Agencies" in paragraph (1) in the following Article)

(Special Heat Stroke Alert)

Article 19 (1) If the Minister of the Environment finds that the situation falls under any other cases specified by Order of the Ministry of the Environment as cases in which there is a risk of serious damage to human health due to heat illness caused by a particularly significant rise in temperature, the Minister of the Environment shall state information to the effect that particular caution should be taken against the occurrence of such damage (hereinafter, in this Section, referred to as "Special Heat Stroke Alert") the period, region and other particulars specified by Order of the Ministry of the Environment, give notice to the relevant prefectural governors and, make it publicly known, where necessary, by seeking cooperation from broadcasting institutions, newspaper publishers, communication agencies, and other mass media.

- (2) Upon a notice prescribed in the provisions of the preceding paragraph, the prefectural governor shall notify the mayors of the relevant municipalities (including the mayor of a special ward) of such information.

- (3) Upon a notice prescribed in the provisions of the preceding paragraph, the mayor of a municipality (including the mayor of a special ward; hereinafter the

same shall apply in this Section) shall inform the residents and related public or private groups of the particulars of the notice.

(Examination and Cooperation)

Article 20 (1) The Minister of the Environment shall conduct an examination by using meteorological information, information on damage to human health due to heat illness and other information in order to accurately and promptly announce a Heat Stroke Alert or Special Heat Stroke Alert.

(2) The Director-General of the Japan Meteorological Agency shall provide necessary cooperation, such as providing meteorological information to the Minister of the Environment in order to help with accurately and promptly announcing a Heat Stroke Alert or Special Heat Stroke Alert.

(Cooling Shelter)

Article 21 (1) In order to prevent damage to human health due to heat illness, the mayor of the municipality may designate facilities located within the area of the municipality that meet the following standards as a Designated Cooling Shelter:

(i) the facility has appropriate cooling equipment.

(ii) if a Special Heat Stroke Alert is announced for the area where the facility is located, the facility is able to be open to residents and other persons, and the management method of the facility otherwise meets the standards specified by Order of the Ministry of the Environment.

(2) If the mayor of a municipality intends to designate a facility managed by a person other than the municipality as a Designated Cooling Shelter prescribed in the provisions of the preceding paragraph, the mayor shall obtain the consent of the manager of the facility.

(3) If the mayor of the municipality has designated a facility managed by a person other than the municipality as a Designated Cooling Shelter prescribed in the provisions of paragraph (1), the mayor shall conclude an agreement that establishes the following.

(i) the Designated Cooling Shelter for which an agreement is concluded (referred to as "Designated Cooling Shelter under the Agreement" in the following item, item (iii), and item (iii) of paragraph (1) of the following Article);

(ii) the dates and times during which the Designated Cooling Shelter under the Agreement can be opened (referred to as "dates available to be open " in the following paragraph and paragraph (5));

(iii) the number of people expected to be accepted due to opening the Designated Cooling Shelter under the Agreement;

(iv) other particulars specified by Order of the Ministry of the Environment;

- (4) If the mayor of the municipality has designated a facility managed by the municipality as a Designated Cooling Shelter prescribed in the provisions of paragraph (1), and an agreement prescribed in the provisions of the preceding paragraph is concluded, the mayor of the municipality shall announce the name, location, and available open dates of the Designated Cooling Shelter, and the number of people who are expected to be accepted due to opening the facility.
- (5) If a Special Heat Stroke Alert for the area where the Designated Cooling Shelter is located has been announced, the manager of the Designated Cooling Shelter shall open the Designated Cooling Shelter on the available announced open dates of paragraph (1) of Article 19 pertaining to said Special Heat Stroke Alert, on the available announced open dates prescribed in the provisions of the preceding paragraph.
- (6) The provision of paragraph (4) shall apply mutatis mutandis to changes to the particulars announced prescribed in the provisions of the same paragraph.

Article 22 (1) The mayor of the municipality shall revoke the designation prescribed in the provisions of paragraph (1) of the preceding Article if any of the following items applies.

- (i) the Designated Cooling Shelter has been abolished.
 - (ii) the mayor finds that the Designated Cooling Shelter no longer meets the standards listed in any of the items of paragraph (1) of the preceding Article.
 - (iii) the agreement set forth in paragraph (3) of the preceding Article regarding Designated Cooling Shelters under the Agreement has been abolished.
- (2) In addition to the cases provided for in the preceding paragraph, the mayor of the municipality may revoke the designation prescribed in the provisions of paragraph (1) of the preceding Article if said mayor of the municipality finds that there is no need to designate the facility as a Designated Cooling Shelter.
- (3) If the mayor of the municipality has revoked a designation prescribed in the provisions of the preceding two paragraphs, the mayor shall publicly announce to such effect.

(Heat Illness Prevention Promotion Organization)

Article 23 (1) The mayor of the municipality, upon application, may designate, as a Heat Illness Prevention Promotion Organization (hereinafter referred to as "Promotion Organization" in this Article and the following Article), a general incorporated association, a general incorporated foundation, a corporation engaging in the specified nonprofit agency under Article 2, paragraph (2) of the Act on Promotion of Specified Non-profit Activities (Act No. 7 of 1998), or another corporation specified by Order of the Ministry of the Environment that is found to meet the following standards for the projects

listed in each item of paragraph (3) (hereinafter, in this Article, referred to as "Heat Illness Prevention Promotion Project")

- (i) the plan for implementation of the Heat Illness Prevention Promotion Project, which covers personnel, operational procedures and other particulars is appropriate, and the plan is found to have a sufficient financial and technical basis for carrying out the plan reliably.
 - (ii) measures prescribed by Order of the Ministry of the Environment as measures necessary to ensure the proper handling of personal information and other measures necessary to properly and reliably implement the Heat Illness Prevention Promotion Project have been taken.
 - (iii) where the applicant is engaged in any project other than the Heat Illness Prevention Promotion Project, there is no risk that implementing the project will hinder the proper and reliable implementation of the Heat Illness Prevention Promotion Project by implementing such other project.
 - (iv) beyond what is provided for in the particulars specified in the preceding three items, it is found it is possible to properly and reliably implement the Heat Illness Prevention Promotion Project.
- (2) The mayor of the municipality shall not make the designation prescribed in the provisions of the preceding paragraph if the person who has applied for the same falls under any of the following items.
- (i) the person's designation was revoked as prescribed in the provisions of paragraph (6), and where a period of two years has not yet elapsed from the date of the revocation.
 - (ii) there is a person among the officers, who was sentenced to a punishment for violating this Act, where a period of two years has not yet elapsed from the day on which the execution of the sentence was completed or the person becomes no longer subject to the execution of such sentence.
- (3) The Promotion Organization is to implement the following projects:
- (i) conduct awareness-raising activities and public relations activities regarding heat illness countermeasures for businesses located in the area of the relevant municipality and residents of the relevant municipality.
 - (ii) provide consultation to residents of the relevant municipality and offer necessary advice regarding the heat illness countermeasures.
 - (iii) beyond the particulars listed in the preceding two items, conduct the necessary operations to promote heat illness countermeasures in the area of the relevant municipality.
- (4) If the mayor of the municipality finds it necessary in order to ensure proper and reliable implementation of the Heat Illness Prevention Promotion Project, the mayor may have the Promotion Organization give a report on the Heat Illness Prevention Promotion Project.
- (5) If the mayor of the municipality finds it is necessary to improve the

management of a Heat Illness Prevention Promotion Project by a Promotion Organization, the mayor may order the Promotion Organization to take the necessary measures for improvement.

- (6) If a Promotion Organization falls under any of the following items, the mayor of the municipality may revoke the designation prescribed in the provisions of paragraph (1).
- (i) it is found that it is not possible for the Promotion Organization to ensure proper and reliable implementation of the Heat Illness Prevention Promotion Project;
 - (ii) it has violated an order prescribed in the provisions of the preceding paragraph.
- (7) Officers or employees of a Prevention Promotion, or persons formerly in such positions shall not disclose any confidential information they have learned regarding the projects listed in paragraph (3), item (ii).
- (8) The procedures for designation prescribed in the provisions of paragraph (1) and other necessary particulars concerning Promotion Organizations shall be prescribed by Order of the Ministry of the Environment.

Article 24 The Minister of the Environment and relevant local governments shall provide information necessary for implementation of the projects or guidance and advice to the Promotion Organizations.

Chapter IV Auxiliary Provisions

(Promotion of Observation)

Article 25 In order to promote Climate Change Adaptation based on scientific knowledge, the national government shall endeavor to promote observation, monitoring, projection and assessment of the Climate Change Impact in the field of Climate Change and various other fields, and related research, together with the development of technology in Adaptation to Climate Change.

(Promoting the Understanding of Climate Change in Businesses and the General Public)

Article 26 Beyond what is provided for in Article 24, the national government shall endeavor to take measures to increase the interest and understanding of businesses and the general public on the importance of Climate Change Adaptation, through publicity activities, educational activities, and in other relevant ways.

(Promotion of International Cooperation)

Article 27 The national government shall develop an international system for

sharing information on Climate Change, etc., as well as endeavor to develop international cooperation including technical cooperation for developing areas for Climate Change Adaptation.

(Assistance of the National Government)

Article 28 The national government shall endeavor to provide information and other assistance to help promote policies on Climate Change Adaptation by local governments, and Climate Change Adaptation and business activities that contribute to Climate Change Adaptation by Businesses, etc.

(Cooperation by Relevant Administrative Authorities)

Article 29 The Minister of Environment may ask the heads of the relevant administrative agencies and local governments to provide materials, explanations, and any other cooperation if it finds this necessary in order to achieve the purpose of this Act.

Chapter V Penal Provisions

Article 30 A person who has violated the provisions of Article 23, paragraph (7) will be punished with a fine of not more than 300,000 yen.