

Environmental Impact Assessment Act

(Act No. 81 of June 13, 1997)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to clarify the responsibilities of the national government, etc. for environmental impact assessment and by specifying the procedures for properly and smoothly conducting an environmental impact assessment for large-scale projects that are likely to have a serious impact on

the environment and other required matters, and taking measures to reflect the results of the environmental impact assessment conducted by those procedures, etc. on the determination of measures for preserving the environment related to the project and other content of that project, secure the appropriate consideration for environmental conservation to be given, and to ensure appropriate consideration for environmental conservation concerning that project, by taking measures which reflect the result of the environmental impact assessment through measures for environmental conservation when implementing that project, and in determining any other aspects of that project, thereby contributing to the sound and cultural lives of Japanese people, at present and in the future.

(Definitions)

Article 2 (1) In this Act, "environmental impact assessment" means a survey, forecast, or evaluation of the impact (the environmental impact in association with the activities is included, if the purpose of the project includes business activities and other human activities scheduled to be implemented on the land, or structures after the implementation of a project; referred to simply as "environmental impact" below) on the environment caused by the implementation of a project (changes in the shape of the terrain (including dredging being conducted simultaneously) and new construction, expansion or reconstruction of a structure for a specific purpose; the same applies below) for each item regarding individual components of the environment, considering measures for environmental conservation regarding the implementation of a project in the process of evaluation, and comprehensively evaluating the environmental impact if those measures are taken.

(2) In this Act, "class-1 project" means a project that meets the following requirements, is large in scale (meaning an area of land in which the shape is to be changed, the size of any new structures to be built, or other projects expressed in numerical values; the same applies in the following paragraph) and is specified by the provisions of Cabinet Order as likely to have a serious impact on the environment:

(i) a project that falls under any of the following types of projects:

(a) a project to construct or reconstruct a national expressway, a national road, or any other road prescribed in Article 2, paragraph (1) of the Road Act (Act No. 180 of 1947), or any other category of road;

(b) a project to construct or reconstruct a dam or a weir on a river prescribed in Article 3, paragraph (1) of the River Act (Act No. 167 of 1964) (referred to below as a "project to construct a new dam, etc." in this item) and a river construction project referred to in Article 8 of that Act that is not a project to construct a new dam, etc.;

- (c) a project to construct or improve a railway under the Railway Business Act (Act No. 92 of 1986), or a tramway as prescribed in the Act on Rail Tracks (Act No. 76 of 1921);
- (d) a project to construct, or reconstruct an airport, or other airfield and its facility as prescribed in Article 2 of the Airport Act (Act No. 80 of 1956);
- (e) a construction project to install, or modify a power generating structure which are electric facilities for business use as prescribed in Article 38 of the Electricity Business Act (Act No. 170 of 1964);
- (f) a project for establishing a final disposal site for the municipal waste as prescribed in Article 8, paragraph (1) of the Act on Waste Management and Public Cleaning (Act No. 137 of 1970), or a final disposal site for industrial waste as prescribed in Article 15, paragraph (1) of the that Act, or for modifying the structure and the size of that site;
- (g) a project for reclaiming land from a public water body by landfill and drainage under the Act on Reclamation of Publicly-owned Water Surface (Act No. 57 of 1921) or to reclaim other water bodies by landfill and drainage;
- (h) a land readjustment project as prescribed in Article 2, paragraph (1) of the Land Readjustment Act (Act No. 119 of 1954);
- (i) a new housing and urban development project as prescribed in Article 2, paragraph (1) of the New Housing and Urban Development Act (Act No. 134 of 1963);
- (j) an industrial park development project as prescribed in Article 2, paragraph (5) of the Act on Arrangement of Suburban Development and Redevelopment Areas and Urban Development Areas in Metropolitan Area (Act No. 98 of 1958) and prescribed in Article 2, paragraph (4) of the Act on Arrangement and Development of Suburban Development and Redevelopment Areas and Urban Development Areas in Kinki Area (Act No. 145 of 1964);
- (k) a new city foundation development project as prescribed in Article 2, paragraph (1) of the Act on Development of Infrastructures for New Cities (Act No. 86 of 1972);
- (l) a project to construct a distribution-business center as prescribed in Article 2, paragraph (2) of the Act on the Improvement of Urban Distribution Centers (Act No. 110 of 1966);
- (m) beyond what is stated in (a) through (l), a category of project specified by Cabinet Order as being equivalent to the above regarding the extent of the area affected by the environmental impact of the project, and the necessity of conducting an environmental impact assessment for that project;
- (ii) a project that falls under any of the following:
 - (a) a project (excluding those stated below in (e)) when a license, patent,

- permission, authorization, approval or consent, or notification (a notification is limited only to the projects subject to specific laws containing legal provisions for enabling a recommendation to be issued, or order to modify that notification within a specified time calculated from the filing of that notification; this limitation also applies to (e) below) is required in accordance with the provisions of laws that are specified by Cabinet Order;
- (b) a project (excluding those stated above in (a)) that is subject to national government subsidies, etc. (a subsidy provided for Article 2, paragraph (1), item (i) of the Act on Regulation of Execution of Budget Pertaining to Subsidies, etc. (Act No. 179 of 1955), dues prescribed in item (ii) of that paragraph, and the benefits as prescribed in item (iv) of that paragraph, which are specified by Cabinet Order; the same applies below);
 - (c) a project (excluding those stated in (a) and (b)) carried out as business by a corporation incorporated under a special law (limited to those in which the national government has invested);
 - (d) a project carried out by the national government (excluding those stated in (a) and (e));
 - (e) a project carried out by the national government, for which a license, patent, permission, authorization, approval or consent, or notification is required when being implemented pursuant to the provisions of laws, and specified by Cabinet Order.
- (3) In this Act, "class-2 project" means a project that has satisfied the requirements stated in the items of the preceding paragraph, and is based on a size (limited to projects whose level representing the ratio of its size to that of a class-1 project is equal to or greater than the level specified by Cabinet Order) equivalent to a class-1 project, and is specified by Cabinet Order as a project for which a judgement (referred to simply as "judgement" below) as to whether it will have a serious impact on the environment needs to be made by a person specified in the items of Article 4, paragraph (1), in accordance with the provisions of that Article.
- (4) In this Act, a "target project" means a class-1 or class-2 project (excluding projects in which a measure specified in Article 4, paragraph (3), item (ii) is applied mutatis mutandis in Article 4, paragraph (4) (including when applied following the deemed replacement of terms pursuant to the provisions of Article 39, paragraph (2)) and Article 29, paragraph (2) (including when applied following the deemed replacement of terms the provisions of Article 40, paragraph (2)) has been taken) for which the measures of Article 4, paragraph (3), item (i) have been taken.
- (5) In this Act (excluding this Chapter), "business operator" means a person intending to implement a target project (the head of the administrative body

(including a local branch office) when intending to implement the target project for a target project carried out by the national government), and when intending to entrust a target project; the person intending to entrust that target project).

(Responsibilities of the National Government)

Article 3 Fully recognizing that it is important for an environmental impact assessment to be conducted before a project is implemented, the national government, local governments, business operators, and the people must endeavor in their respective positions to ensure that an environmental impact assessment and other procedures specified in this Act are conducted appropriately and smoothly, and that appropriate consideration is given to avoiding or reducing the environmental burden from the implementation of the project as much as possible, and to other considerations for environmental conservation.

Chapter II Procedures Before Preparation of a Scoping Document

Section 1 Document on Primary Environmental Impact Consideration

(Review of Matters for Primary Environmental Impact Consideration at the Planning Stage)

Article 3-2 (1) At the planning stage of a class-1 project, a person intending to implement that project (if that project is carried out by the national government, the head of the administrative body (including a local branch office) intending to implement the target project, for a target project carried out by the national government) or the person intending to entrust a target project in the case of entrustment; the same applies below), must determine the area in which that project will be implemented, and other matters specified by order of the competent ministry for each category of project stated in Article 2, paragraph (2), item (i), (a) through (m), and review the matters (referred to below as "the matters for primary environmental impact consideration at the planning stage") that should be considered for environmental conservation concerning that project in one or more areas (referred to below as the "possible project implementation area") in which that project will be implemented, as prescribed by order of the competent ministry, for each category of project stated in Article 2, paragraph (2), item (i), (a) through (m).

(2) The order of the competent ministry specifying the area in which the project in the preceding paragraph and other matters will be implemented, are determined by the competent minister (if the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister) in consultation with the Minister of the Environment.

(3) The order of the competent ministry in paragraph (1) (excluding the order of the competent ministry specifying the area in which a project in the preceding paragraph is implemented and other matters) is issued by the competent minister (if the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister) in consultation with the Minister of the Environment, for establishing guidelines for both the selection of the matters for primary environmental impact consideration at the planning stage, as found to be necessary for the proper review of considerations for primary environmental impact consideration at the planning stage, and the methods for a survey, forecast and evaluation, concerning the items for primary environmental impact consideration at the planning stage.

(Preparation of a Document on Primary Environmental Impact Consideration)

Article 3-3 (1) a person intending to implement a class-1 project must prepare a document on primary environmental impact consideration at the planning stage (referred to below as "a document on primary environmental impact consideration") that describes the following matters about the results of the review of the matters for primary environmental impact consideration at the planning stage;

(i) the name and address of the person intending to implement a class-1 project (in the case of a corporation; its name, the name of its representative, and the location of its principal office);

(ii) the purpose and contents of the class-1 project;

(iii) the general conditions of the possible project implementation area and its surrounding area;

(iv) a summary of the results of a survey, forecast and evaluation for each matter for primary environmental impact consideration at the planning stage;

(v) other matters specified by Order of the Ministry of the Environment.

(2) A person intending to, as a class-1 project, dismantle an existing structure or discontinue its use, (meaning an existing structure for the projects stated in Article 2, paragraph (2), item (i), (a) through (f) and (h) through (m); the same applies below in this paragraph), and construct a new structure of the same category as that existing structure (limited to a structure for which the ratio of the size of the structure to the size of the existing structure is within the range of the value specified by Cabinet Order) in the area where that existing structure is installed, or an the adjacent area (meaning the area within the distance specified by Cabinet Order from the boundary of the area where the existing structure is installed) concerning that existing structure, must prepare a document on a primary environmental impact consideration containing the following matters, instead of the matters stated in items (iii)

and (iv) of the preceding paragraph, in accordance with the result of the review of the items for primary environmental impact consideration at the planning stage:

- (i) project implementation area;
 - (ii) the contents of consideration for environmental conservation concerning the class-1 project.
- (3) If two or more mutually related class-1 projects are to be implemented, a business operator intending to implement these class-1 projects may prepare one document on primary environment impact consideration for each of these class-1 projects together.

(Sending of a Document on Primary Environmental Impact Consideration)

Article 3-4 (1) When a person intending to implement a class-1 project has prepared a document on primary environmental impact consideration, that person must promptly send the document to the competent minister, pursuant to the provisions of Order of the Ministry of the Environment, and publicize that document on primary environmental impact consideration and its summary (when that person intends to implement a class-1 project pursuant to the provisions of paragraph (2) of the preceding Article; the document on primary environmental impact consideration prepared pursuant to the provisions of that paragraph).

(2) After receiving a document on primary environmental impact consideration, the competent minister (excluding the Minister of the Environment) must promptly send a copy of that document to the Minister of the Environment and request their opinion.

(Opinion of the Minister of the Environment)

Article 3-5 When the Minister of the Environment is requested to give their opinion pursuant to the provisions of paragraph (2) of the preceding Article, the minister may express their opinion in writing to the competent minister (except the Minister of the Environment), within the period designated by cabinet order, from the perspective of environmental conservation on the document on primary environmental impact consideration.

(Opinion of the Competent Minister)

Article 3-6 When receiving the document on primary environmental impact consideration specified in Article 3-4, paragraph (1), the competent minister may state their opinion in writing to a person intending to implement a class-1 project, within the period designated by Cabinet Order, from the perspective of environmental conservation for the document on primary environmental impact consideration. In such a case, if the Minister of the Environment has

stated an opinion pursuant to the provisions of the preceding Article, that opinion must be taken into consideration.

(Hearing Opinions on a Document for Primary Environmental Impact Consideration)

Article 3-7 (1) A person intending to implement a class-1 project, for each category of project stated in Article 2, paragraph (2), item (i),(a) through (m), must endeavor to seek the opinions of the relevant administrative body and the public on a draft, or a document on primary environmental impact consideration, from the perspective of environmental conservation, pursuant to the provisions of order of the competent ministry.

(2) The order of the competent ministry referred to in the preceding paragraph is established by the competent minister (if the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister) in consultation with the Minister of the Environment, to establish guidelines for measures for hearing the opinions of relevant administrative bodies and the public, on matters to be considered for primary environmental impact consideration at the planning stage, from the perspective of environmental conservation.

(Publication of Basic Matters)

Article 3-8 In consultation with the heads of the relevant administrative bodies, the Minister of the Environment is to establish and publicize basic matters concerning the guidelines to be issued by the competent minister (when the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister) pursuant to the provisions of Article 3-2, paragraph (3) and paragraph (2) of the preceding Article.

(Discontinuation of Class-1 Project)

Article 3-9 (1) When a person intending to implement a class-1 project falls under any of the following items, that person, during the period between the publication made pursuant to Article 3-4, paragraph (1) and the public notice made pursuant to Article 7, must notify the person receiving a document on primary environmental impact consideration from the person intending to implement that class-1 project and publicize this, in accordance with Order of the Ministry of the Environment:

- (i) if the class-1 project will not be implemented;
- (ii) if the amendment of the matters stated in Article 3-3, paragraph (1), item (ii), the amended project comes to fall under neither a class-1 project nor a class-2 project;
- (iii) if the implementation of the class-1 project is transferred to another person.

(2) In the case of item (iii) of the preceding paragraph, if a project transferred to another person is a class-1 project, any examination of the matters for primary environmental impact consideration at the planning stage, and any other procedures conducted as referred to those items by the person intending to implement the class-1 project before that transfer, and before the publication date referred to in that paragraph, is deemed to have been implemented by another person who has become the new person intending to implement that class-1 project, and any examination of the matters for primary environmental impact consideration conducted at the planning stage, and other procedures which were made by the person intending to implement the class-1 project before the transfer, is deemed to be made by another person who has become the new person intending to implement that project.

(Review for Matters for Primary Environmental Impact Consideration at the Planning Stage on a Class-2 Project)

Article 3-10 (1) At the planning stage of a class-2 project, a person intending to implement a class-2 project (in the case of a project implemented by the national government; the head of the administrative body (including local branch bureaus and departments) in charge of the implementation of that project If a business subject to entrustment; the person intending to entrust the business; the same applies below), in determining the area in which the project specified in Article 3-2 paragraph (1) will be implemented and other matters specified by order of the competent ministry, that person is to review the items that should be considered for environmental conservation concerning the project in one or more areas in which that project is expected to be implemented, and other procedures. In such a case, the person intending to implement that class-2 project is to notify the competent minister in writing of their decision to conduct a review of the items that should be considered for environmental conservation concerning the project in the areas in which that project is expected to be implemented, and follow other procedures.

(2) When a person intending to implement a class-2 project makes a notification pursuant to the provisions of the preceding paragraph, the person is deemed to be a person intending to implement a class-1 project, and the provisions of Articles 3-2 through the preceding Article apply.

Section 2 Judgement on a Class-2 Project

Article 4 (1) A person intending to implement a class-2 project must give a written notice to the person specified in each item, in accordance with each category of the project stated in Article 2, paragraph (2), item (1), (a) through (m), pursuant to order of the competent ministry, with their name and address

(in the case of a corporation; its name and the name of its representative, and the address of its principal office), the category and size of the class-2 project, the zone where the class-2 project is to be implemented, and other general information concerning the class-2 project (referred to below in this paragraph as "names, etc.") in accordance with the respective categories of a class-2 project stated in the following items. In such a case, when the person intending to implement the class-2 project stated in item (iv) or (v) is the competent minister specified in item (iv) or (v), instead of notifying the competent minister, that person is to prepare a document stating the names, etc.:

- (i) a class-2 project falling under Article 2, paragraph (2), item (ii), (a): a person who issues the license, patent, permission, authorization, approval, or consent (referred to below as "license, etc.") as prescribed in that item (ii), (a), and who has received a notification as prescribed in that item (ii), (a) (referred to below as a "specific notification");
 - (ii) a class-2 project falling under Article 2, paragraph (2), item (ii), (b): a person who determines whether to grant a national government subsidy, etc. as prescribed in the provisions of that item (ii), (b) (referred to below as a "person empowered to make decisions on grants");
 - (iii) a class-2 project falling under Article 2, paragraph (2), item (ii), (c): a person (referred to below as "corporate supervisor") who supervises the corporation as prescribed in that item (ii), (c) concerning that project in accordance with the provisions of the Act as prescribed in that item (ii), (c);
 - (iv) a class-2 project falling under Article 2, paragraph (2), item (ii), (d): the competent minister who has jurisdiction over processes concerning the implementation of that project;
 - (v) a class-2 project falling under Article 2, paragraph (2), item (ii), (e): the competent minister who has jurisdiction over processes concerning the implementation of that project, and a person who issues the license, patent, permission, authorization, approval, or consent as prescribed in that item (ii), (e) or a person who receives notifications as prescribed in that item (ii), (e).
- (2) A person specified in any item of the preceding paragraph must send a copy of the notification (including documents provided for in the latter half of that paragraph, referred to as "notification" in this Article and in Article 29, paragraph (1)) to the prefectural governor having jurisdiction over the area in which the class-2 project concerning that notification is to be implemented, and ask their opinion and the reasons why, as to whether an environmental impact assessment, or other procedures are necessary in accordance with the provisions of this Act (excluding this Article), within a designated period of 30 days or more.
- (3) When the prefectural governor has expressed an opinion under the provisions of the preceding paragraph, a person specified in each item of paragraph (1)

must take this into consideration and make a judgment on the class-2 project concerning that notification within 60 days from the date of that notification, pursuant to the provisions of order of the competent ministry, for each type of project stated in Article 2, paragraph (2), item (i), (a) through (m), and when that person finds that the degree of environmental impact is likely to be significant, the measures referred to in item (i) must be taken; or when that person finds that the degree of environmental impact is likely to not be significant, that person must take the measures referred to in item (ii):

- (i) notify the person who filed the notification in writing and the prefectural governor referred to in the preceding paragraph (in the case of the latter half of paragraph (1)); the prefectural governor referred to in the preceding paragraph) that an environmental impact assessment, or other procedures are necessary, and the reasons why (excluding this Article), as pursuant to the provisions of this Act;
 - (ii) notify the person who filed the notification in writing and the prefectural governor referred to in the preceding paragraph (in the case of the second sentence of paragraph (1); the prefectural governor(s) referred to in the preceding paragraph) that an environmental impact assessment and other procedures (excluding this Article) are not necessary, and the reasons why, as pursuant to the provisions of this Act.
- (4) When the person who has filed a notification, and received the notification of the judgment described in the preceding paragraph (3), item (i) intends to modify the size or the area of the class-2 project, and implement that project, and if the project after that modification falls within the definition of a class-2 project, that person may file a notification concerning the project after that modification. In such a case, the provisions of the two preceding paragraphs apply *mutatis mutandis* to that notification.
- (5) A person intending to implement a class-2 project (excluding a project falling under a target project), may not implement that class-2 project until measures referred to in paragraph (3), item (ii) (including the cases applied *mutatis mutandis* in the preceding paragraph and Article 29, paragraph (2)) are taken (when persons prescribed in each item of paragraph (1) concerning that class-2 project are two or more, until those measures are taken by all persons specified in those items).
- (6) Notwithstanding the provisions of paragraph (1), a person intending to implement a class-2 project may conduct an environmental impact assessment and other procedures under the provisions of this Act, without receiving a judgment (excluding this Article). In such a case, if the person intending to implement that class-2 project is someone other than the competent minister as prescribed in item (iv) or (v) of that paragraph, that person is to notify the person referred to in each item of that paragraph of the intention to conduct an

environmental impact assessment, in accordance with the provisions of this Act (excluding this Article), and when that person is the competent minister; the minister is to prepare a document to that effect.

- (7) A person receiving a notice under the provisions of the preceding paragraph, or preparing a document pursuant to the preceding paragraph, must send a copy of that notice or a document regarding that preparation to the prefectural governor having jurisdiction over the area where the class-2 project concerning that notice or document is to be implemented.
- (8) The class-2 project concerning the notice or preparation of a document under the provisions of paragraph (6), the measures referred to in paragraph (3), item (i) are deemed to have been taken at the time of that notice, or preparation of that document.
- (9) To ensure that a judgment is made appropriately concerning the category and size of a class-2 project and the environmental conditions and the other conditions of the area in which the class-2 project is to be implemented and the surrounding area, the competent minister (when the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister) is to consult with the Minister of the Environment on the criteria to be used in making that judgment, and is to establish order of the competent ministry, as referred to in paragraph 3.
- (10) The Minister of the Environment is to establish and publicize the basic matters concerning the standards to be established by the competent minister in consultation with the heads of the relevant administrative bodies (when the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister) pursuant to the provisions of the preceding paragraph.

Chapter III Scoping Documents

(Preparation of a Scoping Document)

Article 5 (1) When a document on primary environmental impact consideration is being prepared, the business operator must determine the area where the project referred to in Article 3-2, paragraph (1) will be implemented and other items pursuant to order of the competent ministry, in accordance with the details of a document on primary environment impact consideration, and consider any opinions expressed in accordance with Article 3-6, and prepare the scoping document on environmental impact assessment (referred to below as a "scoping document") regarding the methods for conducting the environmental impact assessment concerning the target project (limited to methods concerning a survey, forecast, and evaluation), containing the following matters (excluding the matters stated in items (iv) through (vi), when a document on primary environmental impact consideration has not been

prepared) pursuant to order of the competent ministry for each type of project stated in Article 2, paragraph (2), item (i), (a) through (m):

- (i) the name and location of the business operator (if it is a corporation; its name, the name of its representative, and the address of its principal office);
 - (ii) the purpose and content of the target project;
 - (iii) the general conditions of the area in which the target project will be implemented (referred to below as the "target project implementation area") and its surrounding area;
 - (iv) the matters stated in Article 3-3, paragraph (1), item (iv) (if the target project is a class-1 project to be implemented pursuant to the provisions of paragraph (2) of that Article; item (ii) of that paragraph);
 - (v) opinion of the competent minister in accordance with Article 3-6;
 - (vi) opinion of the business operator in response to the view prescribed in the preceding item;
 - (vii) the items to be considered in an environmental impact assessment of the target project as well as the survey, forecast and evaluation methods to be employed (when those methods have not yet been determined, the items to be considered in the environmental impact assessment of the target project);
 - (viii) other matters provided for by Order of the Ministry of the Environment.
- (2) When a business operator intends to implement two or more target projects that are related to each other, the business operator of those target projects may prepare one scoping document covering all of the projects.

(Submission of a Scoping Document)

Article 6 (1) Pursuant to the provisions of order of the competent ministry for each type of business stated in Article 2, paragraph (2), item (i), (a) through (m), when a business operator has prepared a scoping document, that business operator must submit that scoping document and a summarizing document (referred to as the "summary document" in the next Article) to the prefectural governor and the mayors of the municipalities (including the heads of special wards; the same applies below) who have jurisdiction over the areas found to be affected by the environmental impact of the target project.

- (2) To ensure that the area prescribed in the preceding paragraph is within proper scope for asking opinions from the perspective of environmental conservation, regarding the environmental impact assessment of the target project, the competent minister (when the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister), in consultation with the Minister of the Environment, is to establish the basic matters concerning the criteria for ensuring that the areas are within a proper scope.

(Making a Scoping Document Public and Available for Public Inspection)

Article 7 When the business operator has prepared a scoping document, for the purpose of inviting opinions regarding both the items to be considered in an environmental impact assessment of a target business, as well as the survey, forecast and evaluation methods to be employed, from the perspective of environmental conservation, the business operator must publicize the fact that a scoping document has been prepared and other matters pursuant to Order of the Ministry of the Environment, and must make the scoping document and its summary document available for public inspection in the area specified in paragraph (1) of the preceding Article, for one month from the date of the public notice, and must also make then public by using the internet or by other means, in accordance with Order of the Ministry of the Environment.

(Holding Explanatory Meetings)

Article 7-2 (1) The business operator must hold explanatory meetings to make public the matters written in the scoping document (referred to below as "scoping document explanatory meetings") in the area prescribed in Article 6, paragraph (1), in accordance with the provisions of Order of the Ministry of the Environment, during the period of public inspection referred to in the preceding Article. If there is no appropriate place for holding that scoping document explanatory meeting within that area, the meeting may be held in an area other than that area.

(2) When the business operator holds a scoping document explanatory meeting, the business operator must determine the date, time, and place of that scoping document explanatory meeting, and must give a public notice of that information at least one week before the date when the scoping document explanatory meeting is held, pursuant to the provisions of Order of the Ministry of the Environment.

(3) When the business operator has established a plan concerning the date, time, and place of the scoping document explanatory meeting, that business operator may ask the opinion of the governor having jurisdiction over the area specified in Article 6, paragraph (1).

(4) When the business operator cannot hold scoping document explanatory meetings that has issued a public notification pursuant to the provisions of paragraph (2), due to reasons not attributable to the business operator and specified by Order of the Ministry of the Environment, the business operator is not required to hold that scoping document explanatory meetings.

(5) The matters that are essential for holding a scoping document explanatory meetings are, other than those specified in each of the preceding paragraphs, specified by Order of the Ministry of the Environment.

(Submission of Written Opinions Regarding a Scoping Document)

Article 8 (1) A person who has an opinion regarding a scoping document from the perspective of environmental conservation may express that opinion by submitting a written opinion to the business operator, within two weeks from the date of the public notice referred to in Article 7 until the final day has passed in the period for public inspection of the scoping document specified in that Article.

(2) The matters that are essential to the submission of opinions in the preceding paragraph are specified by Order of the Ministry of the Environment.

(Submission of an Outline of an Opinion Regarding a Scoping Document)

Article 9 After the period specified in paragraph (1) of the preceding Article has passed, the business operator must submit a document outlining their opinion to the prefectural governor and the mayor of a municipality having jurisdiction over the area prescribed in Article 6, paragraph (1), pursuant to the provisions of paragraph (1) of the preceding Article.

(Opinions of a Prefectural Governor on a Scoping Document)

Article 10 (1) When the prefectural governor specified in the preceding Article receives the document specified in that Article, the prefectural governor is to express their opinion in writing for the scoping document to the business operator, from the perspective of environmental conservation, within a time period designated by Cabinet Order, except in the case prescribed in paragraph (4).

(2) In the case referred to in the preceding paragraph, a prefectural governor is to designate a period and ask the mayor of the municipality prescribed in the preceding Article for their opinion regarding a scoping document, from the perspective of environmental conservation.

(3) In the case of paragraph (1), the prefectural governor is to take into consideration the opinion stated by the mayor of the municipality pursuant to the preceding paragraph, as well as the opinion described in the document of the preceding Article.

(4) When the entirety of the area prescribed in Article 6, paragraph (1) is located within the limits of a city specified by Cabinet Order, the mayor of that city is to submit their opinion to the business operator in writing upon receiving the document referred to in the preceding Article, regarding the scoping document, from the perspective of environmental conservation within the period specified by Cabinet Order in paragraph (1).

(5) In the case referred to in the preceding paragraph, the prefectural governor prescribed in the preceding Article, upon receiving the documents referred to in the same Article, may state their opinion in writing to the business operator regarding the scoping document, from the perspective of environmental

- conservation, within a period specified by cabinet order in paragraph (1).
- (6) In the case referred to in paragraph (4), the mayor of the city is to take into account the opinion described in the document referred to in the preceding Article.

Chapter IV Implementing an Environmental Impact Assessment

(Selection of Items to Be Considered in the Environmental Impact Assessment)

- Article 11 (1) The business operator must select both the items to be considered in an environmental impact assessment concerning the target project, as well as the methods of survey, forecast and evaluation methods, when any opinions have been expressed in accordance with paragraph (1), paragraph (4), or (5) of the preceding Article, must review the matters stated in Article 5, paragraph (1), item (vii), while taking into account those opinions, as well as the opinions stated pursuant to Article 8, paragraph (1), for each category of project stated in Article 2, paragraph (2), item (1), (a) through (m), pursuant to the provisions of order of the competent ministry.
- (2) When the business operator finds it necessary for making a selection under the preceding paragraph, the business operator may submit a written request to the competent minister to receive written technical advice.
- (3) The competent minister must hear the opinions of the Minister of the Environment in advance, when the competent minister issues written technical advice in response to the request of the business operator under the provisions of the preceding paragraph.
- (4) Order of the competent ministry, as referred to in paragraph (1), is to be established by the competent minister (if the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister) in consultation with the Minister of the Environment, with a view to ensuring the matters stated in the items under Article 14 of the Basic Act on the Environment (Act No. 91 of 1993), to establish guidelines for both the selection of the items for environmental impact assessment, and the methods for reasonably conducting surveys, forecasts and evaluation as found to be necessary for the proper implementation of environmental impact assessment for a target project, based on the scientific knowledge already obtained concerning those items.

(Implementing an Environmental Impact Assessment)

- Article 12 (1) Based on the items and methods selected pursuant to the provisions of paragraph (1) of the preceding Article, the business operator must conduct an environmental impact assessment for the target project in accordance with order of the competent ministry for each type of project stated in Article 2, paragraph (2), item (i), (a) through (m).

(2) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to order of the competent ministry referred to in the preceding paragraph. In this case, the term "guidelines for both the selection of the items for environmental impact assessment, and the methods for the reasonable performance of survey, forecast and evaluation" is deemed to be replaced with "guidelines concerning measures for environmental conservation."

(Publication of Basic Matters)

Article 13 The Minister of the Environment must establish the basic matters relating to the guidelines to be issued by the competent minister (when the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister), in consultation with the head of the administrative body, and is to publicize them, pursuant to the provisions of Article 11, paragraph (4) (including as applied to mutatis mutandis pursuant to paragraph (2) of the preceding Article).

Chapter V Draft Environmental Impact Statement

(Preparation of a Draft Environmental Impact Statement)

Article 14 (1) After conducting an environmental impact assessment concerning the target project pursuant to the provisions of Article 12, paragraph (1), the business operator must prepare a draft environmental impact statement (referred to below as a "draft EIS") in which the following matters concerning that result are to be written, , in preparation for asking opinions from the perspective of environmental conservation, concerning the results of the environmental impact assessment, in accordance with order of the competent ministry for the categories of projects stated in Article 2, paragraph (2), item (i), (a) through (m):

- (i) matters stated in Article 5, paragraph (1), items (i) through (vi);
- (ii) an outline of the opinions referred to in Article 8, paragraph (1);
- (iii) opinions of the prefectural governors as referred to in Article 10, paragraph (1), or opinions by the mayor of the city designated by Cabinet Order referred to in paragraph (4) of that Article, and the opinion of the prefectural governor referred to in paragraph (5) of that Article, if any;
- (iv) the view of the business operator concerning the opinions referred to in the preceding two items;
- (v) items for the environmental impact assessment, and the methods for the survey, forecast and evaluation;
- (vi) the contents of the technical advice received as referred to in Article 11, paragraph (2), if any;
- (vii) among the results of the environmental impact assessment, the following

matters:

- (a) a summary classifying the outline of the results of survey and the results of a forecast and evaluation into each item in the environmental impact assessment (including those relating to items in which the extent and content of the environmental impact is not clear despite the environmental impact assessment being conducted);
 - (b) measures for environmental conservation (including details of the consideration on why those measures were taken);
 - (c) measures for understanding the concerned situation of the environment, when the measures stated in (b) are taken in accordance with environmental conditions that are to become apparent in the future;
 - (d) an overall evaluation of the environmental impact concerning the target project.
- (viii) when the environmental impact assessment has been entrusted in whole or in part to another person; the name and address of that person (if the person is a corporation; its name, the name of its representative, and the location of the principal office);
- (ix) other matters specified by Order of the Ministry of the Environment.
- (2) The provisions of Article 5, paragraph (2) apply mutatis mutandis to the preparation of the draft EIS.

(Submission of a Draft EIS)

Article 15 Pursuant to order of the competent ministry as prescribed in Article 6, paragraph (1), if a business operator has prepared a draft EIS, that business operator must submit that draft EIS and a summarizing document (referred to as the "summary document" in the next Article) to a prefectural governor (referred to below as "relevant prefectural governor") and to mayors of municipalities (referred to below as "relevant mayors") who have jurisdiction over the relevant area (including areas that are deemed to be added to the areas under Article 6, paragraph (1), in light of the opinions expressed pursuant to the provisions of Article 8, paragraph (1) and Article 10, paragraph (1), (4) or (5), and on the basis of the results of the environmental impact assessment conducted pursuant to Article 12, paragraph (1); referred to below as "relevant areas") when it is found to be within the scope of the environmental impact concerning the target project.

(A Public Notice and Public Inspection of a Draft EIS)

Article 16 After the business operator submits a draft EIS under the provisions of the preceding Article, for the purpose of inviting opinions regarding the results of the environmental impact assessment concerning the draft EIS, from the standpoint of environmental conservation, the business operator must give

a public notice that a draft EIS has been prepared and on other matters pursuant to Order of the Ministry of the Environment, and make a draft EIS and the summary document available for public inspection in related areas for one month from the date of that public notice, and also publicize them by using the internet, or other means, pursuant to Order of the Ministry of the Environment.

(Holding Explanatory Meetings)

Article 17 (1) Pursuant to the provisions of Order of the Ministry of the Environment, a business operator must hold an explanatory meeting to inform of the matters written in the draft EIS (referred to below as a "draft EIS explanatory meeting") in the area, during the period of public inspection referred to in the preceding Article. If there is no appropriate place for holding that draft EIS explanatory meeting within that area, that meeting may be held in an area other than that area.

(2) The provisions of Article 7-2, paragraphs (2) through (5) apply mutatis mutandis pursuant to cases in which the business operator holds a draft EIS explanatory meeting pursuant to the provisions of the preceding paragraph. In this case, the term "the area specified in Article 6, paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "related area specified in Article 15"; the term "paragraph (2)" in paragraph (4) of that Article is deemed to be replaced with "paragraph (2) as applied mutatis mutandis pursuant to the provisions of Article 17, paragraph (2)"; and the term "each of the preceding paragraphs" in paragraph (5) of that Article is deemed to be replaced with "the three preceding paragraphs as applied mutatis mutandis pursuant to Article 17, paragraphs (1) and (2)".

(Submission of Opinions regarding a Draft EIS)

Article 18 (1) A person who has an opinion regarding a draft EIS from the standpoint of environmental conservation may submit that opinion to the business operator during a period commencing on the date that the public notice is made as prescribed in Article 16, two weeks after the day following the expiration day in the period for public inspection of the draft EIS as referred to in that Article.

(2) Necessary matters regarding the submission of opinions as prescribed in the preceding paragraph are specified by Order of the Ministry of the Environment.

(Submission of an Outline of Opinions on the Draft EIS)

Article 19 After the period referred to in paragraph (1) of the preceding Article has passed, the business operator must submit a document to the relevant prefectural governors and mayors, outlining both the opinions stated pursuant

to the provisions of that paragraph, and the business operator's views on those opinions.

(Opinions of Relevant Prefectural Governors and Others on the Draft EIS)

- Article 20 (1) When a document has been submitted in accordance with the preceding Article, the relevant prefectural governor is to state a written opinion for the draft EIS to the business operator, from the standpoint of environmental conservation, within a period to be specified by cabinet order, except in the case provided for in the provisions of paragraph (4).
- (2) In the case referred to in the preceding paragraph, the relevant prefectural governor is to designate a period and request mayors of relevant municipalities to submit their opinions on the draft EIS, from the perspective of environmental conservation.
- (3) In the case of the paragraph (1), the relevant prefectural governor is to take into account the opinions submitted by the relevant mayors pursuant to the preceding paragraph, as well as the opinion and the perspective of the business operator described in the document referred to in the preceding Article.
- (4) When the entire area is located within the limits of one city specified by cabinet order as prescribed in Article 10, paragraph (4), the mayor of that city is to submit their opinion in writing on the draft EIS to the business operator, from the perspective of environmental conservation, within a period specified by the Cabinet Order prescribed in paragraph (1).
- (5) In the case of the preceding paragraph, the relevant prefectural governor may state their opinion in writing to the business operator regarding the draft EIS from the perspective of environmental conservation, within a period designated by the cabinet order prescribed in paragraph (1).
- (6) In the case of paragraph (4), the relevant mayor of the city is to take into account the opinion and view of the business operator described in the document referred to in the preceding Article.

Chapter VI Environmental Impact Statement

Section 1 Preparation of an Environmental Impact Statement

(Preparation of an Environmental Impact Statement)

- Article 21 (1) The business operator must amend the matters written in a draft EIS, when the opinions are submitted pursuant to paragraph (1), (4) or (5) of the preceding Article, while taking into account these opinions given as well as the opinions given as referenced in Article 18, paragraph (1), and when the business operator finds it necessary to amend those matters (limited to when the project becomes a target project after that amendment is made) the business operator must take the measures specified in those items, in

accordance with the amended criteria stated in the following items:

- (i) amendments of the matters stated in Article 5 paragraph (1), item (ii) (except for a reduction of the size of the project, minor amendments as specified by Cabinet Order, and other amendments as provided for by Cabinet Order): to undergo an environmental impact assessment and other procedures, under the provisions of Articles 5 through 27;
 - (ii) amendment of the matters stated in in Article 5, paragraph (1), item (i), or in Article 14, paragraph (1), items (ii) through (iv), item (vi) or item (viii) (excluding cases falling under the preceding item): to conduct an environmental impact assessment, and other procedures as provided for in the following paragraph, and under the provisions of the following Article through Article 27;
 - (iii) other than what is stated in the two preceding items: to conduct an environmental impact assessment for the relevant amended parts of the target project, pursuant to order of the competent ministry as referred to in Article 11, paragraph (1), and in Article 12, paragraph (1).
- (2) Excluding cases falling under item (i) of the preceding paragraph, the business operator must prepare an environmental impact assessment report (referred to below as an "EIS"), in accordance with order of the competent ministry for each category of project stated in Article 2, paragraph (2), item (i), (a) through (m), stating the following matters concerning the results of the environmental impact assessment and the environmental impact assessment concerning the draft EIS, if an environmental impact assessment has been conducted under item (iii) of that paragraph, or stating the following matters regarding the results of the environmental impact assessment related to the draft EIS, if the business operator has not conducted an environmental impact assessment, pursuant to the provisions of that item:
- (i) matters stated in items (i) through (viii) in Article 14, paragraph (1);
 - (ii) an outline of opinions referred to in Article 18, paragraph (1);
 - (iii) the opinion of a relevant prefectural governor referred to in paragraph (1) of the preceding Article, or the opinions of the mayor of any of the cities specified by Cabinet Order referred to in paragraph (4) of that Article, and when the related prefectural governor has any opinion referred to in paragraph (5) of the same Article; that opinion, if any;
 - (iv) the business operator's views concerning the opinions referred to in the preceding two items.

(Submission to Persons Issuing a License)

Article 22 (1) After preparing an EIS, the business operator must promptly submit it to the persons designated in the following items, in accordance with the category of the EIS stated in those items:

- (i) an EIS concerning a target project falling under Article 2, paragraph (2), item (ii), (a) (limited only to what is related to the license, etc.): the issuer of that license, etc.;
 - (ii) an EIS concerning a target project falling under Article 2, paragraph (2), item (ii), (a) (limited only to those concerning a special notification): the recipient of a special notification;
 - (iii) an EIS concerning a target project falling under Article 2, paragraph (2), item (ii), (b): a person empowered to make decisions on grants;
 - (iv) an EIS concerning a target project falling under Article 2, paragraph (2), item (ii), (c): the corporate supervisor;
 - (v) an EIS concerning a target project falling under Article 2, paragraph (2), item (ii), (d): the person specified in Article 4, paragraph (1), item (iv);
 - (vi) an EIS concerning a target project falling under Article 2, paragraph (2), item (ii), (e): the person specified in Article 4, paragraph (1), item (v).
- (2) When the person designated in the preceding paragraph (excluding the Minister of the Environment) is the person stated in the following items, that person must promptly take the measures specified in the following items, after receiving the EIS:
- (i) the Prime Minister or the minister of a ministry, or a Minister of State serving as the head of a committee: to submit a copy of the relevant EIS to the Minister of the Environment, and to seek their opinion;
 - (ii) the head of a committee or an agency (excluding the Minister of State), or the head of a local branch of the administrative body of the national government: to seek the opinion of the Minister of the Environment by submitting a copy of that EIS to the Minister of the Environment through the Prime Minister, or another minister that serves as the head of the Cabinet Office, ministry, or committee where the committee or the agency or the local branch is located.

(Opinion of the Minister of the Environment)

Article 23 When measures are taken pursuant to the provisions of items in paragraph (2) of the preceding Article, the Minister of the Environment may express their opinion when necessary in writing for the EIS, within a period designated by Cabinet Order, from the perspective of environmental conservation, to the persons stated in the items of that paragraph. In such a case, the opinions to be stated to the person referred to in item (ii) of that paragraph are to be expressed through the Prime Minister, or another minister as stated in the that item.

(Advice of the Minister of the Environment)

Article 23-2 When a person specified in each item of Article 22, paragraph (1) is

of a local government, or other public law corporation and specified by Cabinet Order (referred to below in this Article as "local government, etc."), the head of that local government, etc. must endeavor to seek advice from the Minister of the Environment after receiving an EIS, if that head finds it is necessary to express an opinion in writing from the perspective of environmental conservation, pursuant to the provisions of the following Article, by sending a copy of that EIS.

(Opinions of License Issuers)

Article 24 When receiving an EIS submitted pursuant to the provisions of Article 22, paragraph (1), the person specified in items of the Article 22, paragraph (1) may express their opinion on the EIS in writing to the business operator as necessary, and within a period designated by Cabinet Order, from the perspective of environmental conservation. In such a case, when the Minister of the Environment has expressed any opinion pursuant to the provisions of Article 23, that person must take that opinion into account.

Section 2 Correction of an Environmental Impact Statement

(Review and Correction of the EIS)

Article 25 (1) When an opinion referred to in the preceding Article is expressed, the business operator must take those into account, and amend the matters to be included within the EIS, and if the business operator finds it necessary to amend those matters (limited to cases when the project after the amendment falls under the category of target project), the business operator must take the measures stated in each of the following items, in accordance with that amended category:

- (i) amending the matters stated in Article 5, paragraph (1), item (ii) (excluding reduction of the size of the project, and those falling under the minor amendments as defined by Cabinet Order, and other amendments as defined by Cabinet Order): to take the step of conducting an environmental impact assessment, and other procedures under the provisions of Articles 5 through 27;
- (ii) amending the matters stated in Article 5, paragraph (1), item (i), in Article 14, paragraph (1), items (ii) through (iv), (vi) or (viii), or in Article 21, paragraph (2), items (ii) through (iv) (excluding those falling under the preceding item): to make necessary corrections to the EIS;
- (iii) other than what is stated in the two preceding items, to conduct an environmental impact assessment for the part concerning the relevant amendment of the target project, pursuant to the provisions of order of the competent ministry as referred to in Article 11, paragraph (1) and in Article

12, paragraph (1).

- (2) When an environmental impact assessment has been conducted pursuant to the provisions of item (iii) of the preceding paragraph, the business operator must correct the EIS, pursuant to the order of the competent ministry for each type of the project referred to in Article 2, paragraph (2), item (i), (a) through (m), in accordance with the results of the environmental impact assessment and the environmental impact assessment concerning the EIS.
- (3) Excluding cases falling under paragraph (1), item (i), the business operator must send an EIS after any corrections made pursuant to the provisions of item (ii) of that paragraph, or the preceding paragraph (if it is found that no corrections are necessary; a notice is to be sent that effect), to the persons specified in those items, in accordance with the categories of the EIS stated in the items of Article 22, paragraph 1,.

(Submission of the EIS to the Minister of the Environment)

Article 26 (1) When the person designated in the items of Article 22, paragraph (1) (excluding the Minister of the Environment) is a person stated in the following items, that person must take the measures specified in the following items, after receiving a submission, or notice pursuant to the provisions of paragraph (3) of the preceding Article:

- (i) the Prime Minister, or the minister of a ministry, or a Minister of State serving as the head of a committee: to send to the Minister of the Environment a copy of the corrected EIS, under the provisions of paragraph (3) of the preceding Article, or inform of receipt of the notice under the provisions of that paragraph;
- (ii) the head of a committee (excluding the Minister of State) or the head of an agency, or the head of a local branch of an administrative body of the national government: to submit to the Minister of the Environment a copy of the corrected EIS pursuant to the provisions of paragraph (3) of the preceding Article, through the Prime Minister, or the minister of ministry who serves as the head of the Cabinet Office, or the ministry or committee where the committee or the agency or the local branch is established, or to notify to the effect of having received the notice under the provisions of that paragraph.
- (2) When making a submission, or giving a notice under the provisions of paragraph (3) of the preceding Article, the business operator must promptly submit the EIS to the prefectural governors and related mayors (the corrected EIS, when the EIS is corrected under the provisions of paragraph (1), item (ii) or paragraph (2) of that Article; the same applies to the following Article and Articles 33 through 38), a document summarizing the EIS, and the documents specified in Article 24 (referred to as "EIS, etc. "in the following Article and

Article 41, paragraphs (2) and (3)).

(A Public Notice and Public Inspection of an Environmental Impact Statement)
Article 27 When making a submission or notice under the provisions of Article 25, paragraph (3), the business operator must give a public notice, pursuant to the provisions of Order of the Ministry of the Environment, that an EIS and other matters have been prepared, pursuant to the provisions of Order of the Ministry of the Environment, and must make the EIS, etc. available for public inspection in that area for one month from the date of that public notice, and must also publicize the EIS, etc. by use of the internet or other means, pursuant to the provisions of Order of the Ministry of the Environment.

Chapter VII Amending the Contents of a Target Project

(Environmental Impact Assessment and Other Procedures When the Contents of a Project Are Amended)

Article 28 When a business operator intends to amend the matters stated in Article 5, paragraph (1), item (ii) during the period between the public notice under the provisions of Article 7, and the public notice under the provisions of the preceding Article (excluding cases when the provisions of Article 21, paragraph (1) or of Article 25, paragraph (1) are applied), and if the project falls under the category of a target project after that amendment, the business operator must pass an environmental impact assessment for the project after that amendment, and other procedures pursuant to Articles 5 through the preceding article; provided, however, that these provisions do not apply when that amendment falls under the category of reducing the size of the project, minor amendments as specified by Cabinet Order, or other amendments of the project as specified by Cabinet Order.

(Judgment Concerning a Class-2 Project in the Case of Amendment of the Project Content)

Article 29 (1) When a business operator intends to amend the matters stated in Article 5, paragraph (1), item (ii), during the period between a public notice provided by Article 7, and a public notice provided by Article 27, when the project falls under a class-2 project after amendment, the business operator may submit a notification concerning the project after amendment, in accordance with the provisions of Article 4, paragraph (1).

(2) The provisions of Article 4, paragraphs (2) and (3) apply mutatis mutandis to a notification under the preceding paragraph. In this case, the term "other procedures" in paragraph (3), item (i) of that Article is deemed to be replaced with "other procedures (excluding those conducted by the time of that

notification)".

- (3) When the measures under provisions of Article 4, paragraph (3), item (ii) has been taken as applied mutatis mutandis to the preceding paragraph, the person filing a notification in accordance with paragraph (1) must provide notice to that effect to the person who received the scoping document, a draft EIS, or an EIS from that business operator, and must give a public notice pursuant to the provisions of Order of the Ministry of the Environment.

(Discontinuation of a Target Project)

Article 30 (1) When a business operator falls under any of the following cases during the period between a public notice provided for by Article 7 and a public notice provided for by Article 27, that business operator must provide notice to that effect to the person receiving a scoping document, a draft EIS, or an EIS from that business operator, and must give a public notice to that effect in accordance with Order of the Ministry of the Environment:

- (i) when the business operator has decided not to implement the target project;
 - (ii) as a result of the amendment of the matters stated in Article 5, paragraph (1), item (ii), the project no longer falls under either a class-1 project or a class-2 project;
 - (iii) the implementation of the target project is transferred to another person.
- (2) In the case of item (iii) of the preceding paragraph, when a project transferred to another person is a target project, any environmental impact assessment and any other procedures that were conducted before the date of the public notice referred to in that paragraph by the former business operator before the transfer are deemed to have been conducted by the new business operator, and any environmental impact assessment and other procedures that were conducted for the former business operator before the transfer are deemed to be conducted for the new business operator.

Chapter VIII Procedures After a Public Notice and Public Inspection of an Environmental Impact Statement

(Restrictions on the Implementation of a Target Project)

- Article 31 (1) A business operator must not implement a target project (in the case amendment was made pursuant to the provisions of Article 21 paragraph (1), Article 25, paragraph (1) or Article 28, and when the amended project falls under a target project; that amended project) until that business operator issues a public notice under the provisions of Article 27.
- (2) After a business operator has issued the public notice pursuant to the provisions of Article 27, if a business operator intends to modify any of the matters stated in Article 5, paragraph (1), item (ii), the business operator is

not required to conduct an environmental impact assessment, or follow other procedures under the provisions of this Act, if that modification falls under the category of reduction of the size of the project, a minor modification as specified by Cabinet Order, or any other modification specified by Cabinet Order.

- (3) The provisions of paragraph (1) apply *mutatis mutandis* to a person (excluding a business operator who, under the provisions of the preceding paragraph, is not required to go through an environmental impact assessment or other procedures) intending to implement the relevant project, after modifying the matters stated in Article 5, paragraph (1), item (ii) after the relevant person has issued a public notice under the provisions of Article 27. In such a case, the term "public notice" in paragraph (1) is deemed to be replaced with "public notice (limited to those issued pursuant to the provisions of that Article, and also those to be issued after undergoing an environmental impact assessment, and following other procedures pursuant to the provisions of this Act)".
- (4) When a business operator transfers the implementation of a target project to another person after that business operator has issued a public notice under the provisions of Article 27, the business operator must issue a public notice to that effect, as prescribed by Order of the Ministry of the Environment. In this case, the provisions of paragraph (2) of the preceding Article are applied *mutatis mutandis* to that transfer.

(Reimplementation of Environmental Impact Assessment and Other Procedures After a Public Notice for an EIS)

- Article 32 (1) After issuing a public notice under the provisions of Article 27, due to changes in the environmental conditions in the area for implementing the target project and its surroundings, or due to other special circumstances, when the business operator finds it necessary to modify the matters stated in Article 14, paragraph (1), item (v) or (vii) to ensure due consideration for environmental conservation in implementing the target project, the business operator may conduct an additional environmental impact assessment, or other procedures relating to the target project after modification, pursuant to the provisions of Article 5 through 27, or Article 11 through 27.
- (2) When a business operator intends to conduct an environmental impact assessment, or other procedures pursuant to the provisions of the preceding paragraph, the business operator must issue a public notice to that effect without delay, in accordance with Order of the Ministry of the Environment.
- (3) The provisions of Articles 28 through the preceding Article apply *mutatis mutandis* to a target project for which an environmental impact assessment or other procedures are conducted pursuant to the provisions of paragraph (1). In

such a case, the term "public notice" in paragraph (1) of that Article is deemed to be replaced with "public notice (limited to a public notice given after an environmental impact assessment or other procedures have been conducted pursuant to paragraph (1) of the following Article)".

(Review for a Consideration for a License on Environmental Conservation)

Article 33 (1) A person reviewing a license, etc., or other document for a target project must review whether appropriate consideration has been given to environmental conservation for that target project, based on the environmental impact statement referred to in Article 24.

(2) In the case of the preceding paragraph, the provisions of the following items apply in accordance with the classification of the license, etc. (excluding those prescribed in the following paragraph) stated in the following items:

(i) a license, etc. concerning provisions of the act specifying that a license, etc. is to be granted when certain standards are satisfied, and also concerning what is specified by Cabinet Order: notwithstanding the provisions concerning that license, etc., the person issuing that license, etc. is to make a judgement, in accordance with the combination of the results of both reviews for the standards specified in the provisions, and for the environmental conservation pursuant to the provisions of the preceding paragraph, and even if the standards are met, that person may issue a disposition refusing that license, etc., based on that judgement, or may attach any necessary conditions to that license, etc.;

(ii) a license, etc. concerning provisions of the act which are specified by Cabinet Order to the effect that a license, etc. is not to be granted when certain standards are met: notwithstanding the provisions concerning that relevant license, etc., the issuer granting that license, etc. makes a judgement, falling under the standards referred to in those provisions, based on results of a review of the benefits of implementing the target project, and a review for environmental conservation pursuant to the provisions of the preceding paragraph; even if it falls under those standards, the issuer may issue a disposition refusing that license, etc., in accordance with that determination, or may attach any necessary conditions to that license, etc.;

(iii) a license, etc. concerning provisions of the act for which a license, etc. (limited to the license, etc. concerning the provisions provided for by laws regarding that license, etc.; these provisions are specified by Cabinet Order) is to be granted, or not to be granted when certain criteria are not satisfied, and also concerning what is specified by order: the issuer granting that license, etc. is to make a judgement, based on the results of both reviews of the benefits of implementing the target project and for the environment conservation under the provisions of the preceding paragraph, and may issue

a disposition refusing that license, etc., based on that judgement, or may attach any necessary conditions to that license, etc.

- (3) A person responsible for issuing a license, etc. concerning a target project for which the provisions of the laws that designates to the effect the license, etc. is not to be issued, unless proper care is taken regarding environmental conservation in implementing that target project, on the basis of the items in an EIS, and the documents referred to in Article 24, and is to conduct a review regarding environmental conservation, in accordance with the provisions of the related laws.
- (4) The provisions in the preceding items apply mutatis mutandis to any license, patent, permission, authorization, approval, or consent concerning a target project that is referred to in Article 2, paragraph (2), item (ii), (e) (limited only to those specified in item (ii), (e)).

(Review of the Consideration for Environmental Conservation in a Special Notification)

- Article 34 (1) A person who receives a special notification concerning a target project is to review whether appropriate consideration is being given to environmental conservation for the target project, and when that person finds that consideration is lacking, notwithstanding the provisions of the act concerning that special notification, that person may issue a recommendation, or an order requiring modification of the matters in that special notification, to that effect, within a period in which that recommendation or order may be issued, as specified by those provisions (if an EIS has not been received at the time of receiving the special notification; within that period from the notification date), to the person who filed that special notification.
- (2) The provisions of the preceding paragraph apply mutatis mutandis to any notification falling under Article 2, paragraph (2), item (ii), (e), concerning any target project falling under that item, (e).

(Review by a Person Empowered to Make a Determination on Grants for Environmental Conservation)

- Article 35 The person empowered to make a determination on grants responsible for a target project must review whether appropriate consideration is being given to environmental conservation in the target project, in accordance with the matters described in an EIS, and the documents referred to in Article 24. In such a case, that review is to be made as an investigation under the provisions of Article 6, paragraph (1) of the Act on Regulation of Execution of Budget Pertaining to Subsidies

(Review by a Corporate Supervisor for Environmental Conservation)

Article 36 The corporate supervisor responsible for a target project must review whether appropriate consideration is being given to environmental conservation in a target project, and must ensure that such consideration is given, through supervision of the corporation.

(Review by the Competent Minister Regarding Consideration for Environmental Conservation)

Article 37 A competent minister responsible for the target project specified in Article 4, paragraph (1), item (iv) or (v) must review whether appropriate consideration is being given to environmental consideration in the target project, and must ensure that appropriate consideration is being given, based on the items described in an EIS and the documents referred to in Article 24,.

(Consideration to be Given by the Business Operator for Environmental Conservation)

Article 38 (1) The business operator must implement a target project giving appropriate consideration for environmental conservation, in accordance with the contents described in the EIS.

(2) When a person responsible for the review for environmental conservation under this Chapter is serving concurrently as a business operator, that person must endeavor to ensure that the employees engaged in business concerning the review procedure, are not engaged in business regarding the implementation of the project.

(Reporting on Measures for Environmental Conservation)

Article 38-2 (1) The business operator who has issued a public notice under the provisions of Article 27 (when that business operator transferred the project before the implementation of the business; the new business operator) must prepare a report (referred to below as "report") that describes the measures taken in the implementation of the project, referred to in Article 14, paragraph (1), item (vii) , (b) (limited to those relating to the environment where it is found that the conservation is particularly necessary because it is difficult to be recovered, but the effectiveness is not certain, as specified by Order of the Ministry of the Environment), the measures stated in item (vii), (c), and measures taken in the implementation of that project, in accordance with the environmental situation that has become known as a result of the measure referred to in item (vii), (c), pursuant to order of the competent ministry specified in each category of the project stated in Article 2, paragraph (2), item (i), (a) through (m).

(2) The order of the competent ministry referred to in the preceding paragraph, is to be established by the competent minister (when the competent minister is

the head of external bureau of the Cabinet Office; the Prime Minister) in consultation with the Minister of the Environment, to establish guidelines for preparing a report.

- (3) In consultation with the heads of relevant administrative bodies, the Minister of the Environment is to define and publicize the basic matters concerning the guidelines to be established by the competent minister (if the competent cabinet minister is the head of external bureau of the Cabinet Office; the Prime Minister) pursuant to the provisions of the preceding paragraph.

(Submission and Publication of a Report)

Article 38-3 (1) When the business operator prescribed in paragraph (1) of the preceding Article, prepares a report, the business operator must send the report to the person receiving the EIS specified by Article 21, paragraph (2), pursuant to the provisions of Article 22, paragraph (1), and must publicize the report in accordance with Order of the Ministry of the Environment.

- (2) The provisions of Article 22, paragraph (2) are applied mutatis mutandis to cases in which a person specified in any of the items in the paragraph (1) of that Article, (except for the Minister of the Environment) receives a report pursuant to the provisions of the preceding paragraph.

(Opinions of the Minister of the Environment)

Article 38-4 When the measures specified in the provisions of each item of Article 22, paragraph (2) as applied mutatis mutandis in paragraph (2) of the preceding Article, the Minister of the Environment may, as necessary, provide a written opinion on the report from the perspective of environmental conservation to the person stated in each item of that paragraph within a period to be designated by Cabinet Order. In such a case, opinions to the persons stated in item (ii) of that paragraph are to be expressed through the Prime Minister, or the ministers of other ministries as specified in that item.

(Opinions of the Issuers of Licenses)

Article 38-5 When a person specified in each item of Article 22, paragraph (1) has received a written report under the provisions of Article 38-3, paragraph (1), that person may, as necessary, provide a written opinion on the report to the business operator referred to in Article 38-2, paragraph (1), from the perspective of environmental conservation, within a period designated by cabinet order. In such a case, if the Minister of the Environment has expressed any opinion pursuant to the provisions of the preceding Article, that opinion must be taken into consideration.

Chapter IX Special Provisions for an Environmental Impact Assessment

and Other Procedures

Section 1 Special Provisions for a Target Project Specified in a City Plan

(Class-1 or Class-2 Projects Specified in a City Plan)

- Article 38-6 (1) When a class-1 project is specified in a city plan pursuant to the provisions of the City Planning Act (Act No. 100 of 1968) as an urban development project, which is prescribed in the provisions of Article 4, paragraph (7) of that Act (referred to below as an "urban development project"), or a class-1 project in which urban facilities are specified in the city plan pursuant to the provisions of that Act as urban facilities prescribed in Article 4, paragraph (5) of that Act (referred to below as "urban facilities"), the examination of items for a primary environmental impact consideration at the planning stage, and other procedures under to the provisions of Article 3-2 through Article 3-9, as well as an environmental impact assessment and other procedures pursuant to the provisions of Articles 5 through Article 38 is conducted, pursuant to the provisions of paragraph (3), Article 40, paragraph (2), Article 41, Article 43, Article 44, paragraphs (1), (2) and (5) through (7) and Article 46, instead of the business operator intending to implement that class-1 project, in conjunction with making a decision or revision of the city plan concerning that class-1 project, or the relevant urban facilities, by the person making the decision or revision to that city plan (collectively referred to below as "city planning decision maker") in the prefectures and municipalities referred to in Article 51, paragraph (1) of the City Planning Act or in the designated cities referred to in Article 87-2, paragraph (1) of that act (in the case of Article 22, paragraph (1) of that Act; the Minister of Land, Infrastructure, Transport and Tourism prescribed in that paragraph (pursuant to the provisions of Article 85-2 of that Act, when the authority of the Minister of Land, Infrastructure, Transport and Tourism referred to in Article 22, paragraph (1) of that Act is delegated to either the directors of the Regional Development Bureau, or the director of the Hokkaido Regional Development Bureau; the director of the relevant Regional Development Bureau or the director of the Hokkaido Regional Development Bureau), or the municipalities), or in the municipalities making the decision or revision to the city plan based on the provisions of Article 51, paragraph (1) of the Act on Special Measures concerning Urban Reconstruction (Act No. 22 of 2002). In such a case, the provisions in Article 3-3, paragraph (3), Article 3-9, paragraph (1), item (iii) and paragraph (2), Article 5, paragraph (2), Article 14, paragraph (2) and Article 30, paragraph (1), item (iii), and paragraph (2) do not apply.
- (2) When a class-2 project is specified in the city plan pursuant to the provisions of the City Planning Act as an urban development project prescribed in the provisions of that Act, or a class-2 project in which urban facilities are

specified in the city plan pursuant to the provisions of that Act as urban facilities, the examination of items for a primary environmental impact consideration at the planning stage, and other procedures referred to in Chapter II, Section 1, may be performed by a city planning decision maker concerning the city plan, instead of the business operator intending to implement the class-2 project, pursuant to the following paragraph, Article 44, paragraphs (3) and (4). In such a case, Article 3-3, paragraph (3) and Article 3-9, paragraph (1), item (iii), and paragraph (2), which are applied pursuant to the provisions of Article 3-10, paragraph (2), are not applied.

- (3) The provisions of Chapter II, Section 1 (excluding Article 3-3, paragraph (3) and Article 3-9, paragraph (1), item (iii) and paragraph (2)) apply to cases where the city planning decision maker conducts a review of the items for primary environmental impact consideration at the planning stage, and other procedures pursuant to the provisions of paragraph (1), or the preceding paragraph. For the application of the provisions of Article 3-2, paragraph (1), the term "a person intending to implement a class-1 project (in the case of a project implemented by the national government, an administrative body (including local branch bureaus and departments) in charge of the implementation of that project. In the case of a business subject to entrustment; the person intending to entrust that business. The same applies below)" is to be replaced with "the city planning decision maker referred to in Article 38-6, paragraph (1) (referred to below as "city planning decision maker)". A class-1 project (referred to below as "city plan class-1 project") in which the class-1 project, or the facilities related to the class-1 project are to be specified in a city plan pursuant to the provisions of the City Planning Act (Act No. 100 of 1968)"; the term "a person intending to implement a class-1 project" in Article 3-3, paragraph (1) is to be replaced with "city planning decision maker"; the term "name and address (in the case of a corporation; its name, the name of its representative, and the location of its principal office)" in item (i) of that paragraph is to be replaced with "name"; the term "class-1 project" in item (ii) of that paragraph is deemed to be replaced with "city plan, class-1 project"; the term "a person intending to, as a class-1 project," in paragraph (2) of that Article is to be replaced with "The city planning decision maker relating to the city plan, when intending to implement a city plan; class-1 project, intends to"; the term "class-1 project " in item (ii) of that paragraph is to be replaced with "city plan; class-1 project"; the term "a person intending to implement a class-1 project " in Article 3-4, paragraph (1) is to be replaced with "a city planning decision maker"; the term "class-1 project" is to be replaced with "city plan; class-1 project "; the term "a person intending to implement a class-1 project" in Article 3-6, Article 3-7, paragraph (1), and Article 3-9, paragraph (1) is to be replaced with "a city planning decision maker", the term "class-1 project will

not be implemented" in item (i) of that paragraph is to be replaced with "city plan; class-1 project will not be specified in a city plan"; the term "a person intending to implement a class-2 project (in the case of a project implemented by the national government; the administrative body (including local branch bureaus and departments) in charge of the implementation of that project. If a business subject to entrustment; the person intending to entrust the business; the same applies below) in Article 3-10, paragraph (1) is to be replaced with "city planning decision maker as prescribed in Article 38-6, paragraph (2) (referred to below as "class-2 project city planning decision maker" in this Article); the term "a person intending to implement that class-2 project" is to be replaced with "the city planning decision maker of that class-2 project"; the term "a person intending to implement a class-2 project" in paragraph (2) of that Article is to be replaced with "a city planning decision maker of the class-2 project"; the term "a person intending to implement a class-1 project" is deemed to be replaced with "a city planning decision maker", and "the provisions of Article 3-2 through the preceding Article apply" is to be replaced with "the provisions of Article 3-2 to the preceding Article, apply following the deemed replacement of terms pursuant to the provisions of Article 38-6, paragraph (3). In this case, the term "a class-1 project or facilities concerning a class-1 project" in Article 3-2, paragraph (1) as applied following the deemed replacement of terms pursuant to the provisions of that paragraph, which is deemed to be replaced with "a class-2 project, etc. prescribed in Article 40, paragraph (1)"; the term "a class-1 project (" is deemed to be replaced with "a class-2 project ("; and the term "city plan; class-1 project" in Article 3-3, paragraph (1), item (ii) and paragraph (2), Article 3-4, paragraph (1), and Article 3-9, paragraph (1), item (i) apply following the deemed replacement of terms pursuant to the provisions of that paragraph and Article 38-6, paragraph (3) is deemed to be replaced with "city plan; class-2 project".

Article 39 (1) When a class-2 project is specified in a city plan pursuant to the provisions of the City Planning Act as an urban development project, prescribed in that Act, or a class-2 project whose urban facilities are specified in a city plan pursuant to the provisions of that Act, submission of a notification pursuant to the provisions of Article 4, paragraph (1) (including the preparation of a document pursuant to the provisions of the latter half of this paragraph; the same applies to the following paragraph) is conducted by a city planning decision maker concerning that city plan instead of the person intending to implement that class-2 project, pursuant to the provisions of the following paragraph, through paragraph (4).

(2) For the application of the provisions of Article 4 when a city planning decision maker has submitted the notification pursuant to the provisions of the

preceding paragraph, the term "A person intending to implement a class-2 project" in paragraph (1) of that Article is to be replaced with "when the city planning decision maker intends to specify a class-2 project, or facilities concerning a class-2 project in a city plan pursuant to the provisions of the City Planning Act, they"; the term "order of the competent ministry" is to be replaced with "order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism"; the phrase "their name and address (in the case of a corporation, its name, the name of its representative, and the location of its principal office)" in that paragraph is to be replaced with "the name of the city planning decision maker"; the phrase "names, etc." is to be replaced with "the name, etc."; the term "categories of the class-2 project" is deemed to be replaced with "categories of the class-2 project concerning that city plan"; the phrase "the person specified " is to be replaced with "the person specified to implement Article 19, paragraph (3) of that Act, as applied following the deemed replacement of terms, pursuant to the provisions of Article 87-2, paragraph (4) of that Act (including as applied mutatis mutandis pursuant to Article 21, paragraph (2) of that Act)) or consent pursuant to the provisions of Article 51, paragraph (2) of the Act on Special Measures concerning Urban Reconstruction (Act No. 22 of 2002) (referred to below as "consent for a city plan"), (in cases where the authority of the Minister of Land, Infrastructure, Transport and Tourism concerning city plan approval is delegated to the directors of the Regional Development Bureau, or the director of the Hokkaido Development Bureau pursuant to the provisions of Article 85-2 of the City Planning Act, or the provisions of Article 126 of the Act on Special Measures concerning Urban Reconstruction; the director of the relevant Regional Development Bureau, or the Hokkaido Development Bureau; referred to below as a "person entitled to consent to a city plan"), and the person specified in the following items, in accordance with the category of a class-2 project concerning the city plan referred to in the following items); the term "when the person intending to implement a class-2 project referred to in item (iv) or (v) is the competent minister specified in item (iv) or (v), instead of notifying the competent minister" is to be replaced with "the city planning decision maker related to a city plan that does not require consent for a city plan, instead of notifying the person specified in the following items"; the term "instead of notifying" is to be replaced with "together with"; the term "A person specified" in paragraph (2) of that Article; is to be replaced with "The person, and the person entitled to consent to a city plan or the city planning decision maker referred to in the second sentence of that paragraph"; the term "Article 29, paragraph (1)" is to be replaced with "Article 29, paragraph (1) as applied pursuant to the provisions of Article 40, paragraph (2) applied following the deemed replacement of terms"; the term ", "a person specified" in paragraph (3)

of that Article is to be replaced with "the person and the person entitled to consent to a city plan or the city planning decision maker referred to in the second sentence of that paragraph"; the term "order of the competent ministry" is to be replaced with " order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism"; the term "and the prefectural governor referred to in the preceding paragraph (2) (in the case of the second sentence of paragraph (1); the prefectural governor referred to in the preceding paragraph)" in items (i) and (ii) of that paragraph is to be replaced with ", the prefectural governor referred to in the preceding paragraph and the person intending to implement that class-2 project (in the case of the second sentence of paragraph (1); the prefectural governor and the person intending to implement that class-2 project referred to in the preceding paragraph"; the term "implement that project" in paragraph (4) of that Article is to be replaced with "specify the relevant project or the facilities related to that project to the city plan pursuant to the provisions of the City Planning Act"; the term "Article 29, paragraph (2))" in paragraph (5) of that Article is to be replaced with "Article 29, paragraph (1) as applied pursuant to the provisions of Article 40, paragraph (2) applied following the deemed replacement of terms"; the term "when persons prescribed in each item of paragraph (1) concerning that class-2 project are two or more, until those measures are taken by all persons specified in those items)" is to be replaced with "are taken by the person specified in each items in paragraph (1) and the person entitled to consent to a city plan or the city planning decision maker referred to in the second sentence of that paragraph"; the term "a person intending to implement a class-2 project" in paragraph (6) of that Article is to be replaced with "the city planning decision maker"; the term "if the person intending to implement that class-2 project is someone other than the competent minister as prescribed in item (iv) or (v) of that paragraph," is to be replaced with ""; the term "each item of that paragraph" is to be replaced with "each item of that paragraph, if it requires the notification related to city planning or consent for city planning"; the term ", and when that person is the competent minister; the minister is to prepare a document to that effect." is to be replaced with ". If it requires no consent for city plan from that person or the person entitled to consent to a city plan; notify by written document to the person specified by each of the items of that paragraph in accordance with the classification stated in each item of that paragraph." ; the term "receiving a notice under the preceding paragraph, or preparing a document pursuant to the preceding paragraph, must send a copy of that notice or a document regarding that preparation" in paragraph (7) of that Article is to be replaced with "receiving a notice under the preceding paragraph, must send a copy of that notice"; the term "prefectural governor having jurisdiction over the area"

is to be replaced with "prefectural governor having jurisdiction over the area and the person intending to implement the class-2 project"; the term "notice or preparation of a document" in paragraph (8) of that Article is to be replaced with "notice" ; the term "order of the competent ministry" in paragraph (9) of that Article is to be replaced with "order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism"; the term "is to consult with the Minister of the Environment" is to be replaced with " and the Minister of Land, Infrastructure, Transport and Tourism is to consult with the Minister of the Environment "; and the term "is to establish " in paragraph (10) of that Article is deemed to be replaced with "and the Minister of Land, Infrastructure, Transport and Tourism is to establish".

(3) When a document on a primary environmental impact consideration has been prepared by a person intending to implement a class-2 project for which the measures referred to in Article 4, paragraph (3), item (i) have been taken following the deemed replacement of terms pursuant to the provisions of the preceding paragraph (except class-2 projects for which the measures referred to in Article 4, paragraph (3), item (ii) as applied mutatis mutandis pursuant to the provisions of that Article 4, paragraph (4) as applied following the deemed replacement of terms pursuant to the provisions of the preceding paragraph, and to the provisions of Article 29, paragraph (2), as applied following the deemed replacement of terms pursuant to the provisions of paragraph (2) of the following Article,) the person intending to implement that class-2 project is to send the document on a primary environmental impact consideration to a city planning decision maker.

(4) In the case of the preceding paragraph, any review of the items for a primary environmental impact consideration at the planning stage, and other procedures conducted by a person intending to implement a class-2 project before the submission of a document on a primary environmental impact consideration, is deemed to have been conducted by a city planning decision maker, and any examination of the items for a primary environmental impact consideration at the planning stage, and other procedures conducted against a person intending to implement the class-2 project, is deemed to have been conducted against the city planning decision maker.

Article 40 (1) For a class-2 project (limited to a target project; the same applies below in this paragraph and Article 44, paragraph (3)) as specified in a city plan pursuant to the provisions of the City Planning Act as an urban development project prescribed in that Act, or a class-2 project whose facilities are specified as urban facilities in a city plan pursuant to the provisions of that Act, any procedures of the environmental impact assessment and other procedures required by the provisions of Articles 5 through 38 are conducted,

pursuant to the provisions of the following paragraph, Article 41, Article 43, Article 44 and Article 46, by the city planning decision maker concerning that city plan, instead of the business operator concerning the class-2 project, in conjunction with the procedure for making a decision or revision of the city plan related to the class-2 project, or the related city planning (referred to below as "class-2 project, etc."). In such a case, the provisions of Article 5, paragraph (2), Article 14, paragraph (2), Article 30, paragraph (1), item (iii) and Article 30, paragraph (1), item (iii) and paragraph (2) are not applied.

- (2) For the application of the provisions of Articles 5 through 38 (excluding Article 5, paragraph (2), Article 14, paragraph (2), Article 30, paragraph (1), item (iii) and paragraph (2)) if a city planning decision maker is conducting an environmental impact assessment and other procedures, pursuant to the provisions of Article 38-6, paragraph (1) or the preceding paragraph, the term "the business operator" in Article 5, paragraph (1) is to be replaced with "the city planning decision maker"; the term "the environmental impact assessment concerning the target project" is to be replaced with "the environmental impact assessment concerning a class-1 project, or class-2 project related to a city plan where the class-1 project or related facilities referred to in Article 38-6, paragraph (1), or class-2 project, etc. referred to in Article 40, paragraph (1) (in Article 28 and Article 30, paragraph (1), item (i), referred to as a "target project, etc.") is specified in that city plan pursuant to the provisions of the City Planning Act (referred to below as a "target project for a city plan"); the term "order of the competent ministry for each" is to be replaced with "order of the competent ministry, or Order of the Ministry of Land, Infrastructure, Transport and Tourism for each"; the term "the name and location of the business operator (in the case of a corporation, its name, the name of its representative, and the address of its principal office)" in item (i) of that paragraph is to be replaced with "the name of the city planning decision maker"; the term "the target project" in item (ii) of that paragraph is to be replaced with "the target project in city planning"; the term "in which the target project" in item (iii) of that paragraph, is to be replaced with "in which the target project in city plan"; the term "the business operator" in item (vi) of that paragraph is to be replaced with "the city planning decision maker"; the term "in an environmental impact assessment of the target project" in item (vii) of that paragraph is to be replaced with "in an environmental impact assessment of the target project in a city plan"; the term "a business operator" and also the term "the target project" in Article 6, paragraph (1) are to be replaced with "the city planning decision maker" and with "the target project in a city plan" respectively; the term "business operator" in Articles 7 through 10 and Article 11, paragraph (1) is deemed to be replaced with "city planning decision maker"; the term "the target project" in that paragraph of Article 11 is

to be replaced with "the target project in a city plan"; the term "the business operator" in that Article, paragraph (2) and (3) is deemed to be replaced with "the city planning decision maker"; the term "business operator" and "target project" in Article 12, paragraph (1) and in Article 14, paragraph (1) are to be replaced with "city planning decision maker" and "target project for a city plan" respectively; the term "order of the competent ministry" in those paragraphs are to be replaced with "order of the competent ministry, or Order of the Ministry of Land, Infrastructure, Transport and Tourism"; the terms "business operator" and "the target project" in Article 15 are to be replaced with "city planning decision maker" and "the target project in a city plan" respectively; the term "business operator" in Articles 16 through 20, and Article 21, paragraph (1), is to be replaced with "city planning decision maker"; the term "the target project" in item (iii) of that paragraph is to be replaced with "the target project in a city plan"; the terms "the business operator" and "order of the competent ministry" in paragraph (2) of that Article are to be replaced with "the city planning decision maker" and "order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism" respectively; the terms "the business operator" and "the persons designated in" in Article 22, paragraph (1), are to be replaced with "the city planning decision maker" and "the persons designated in (if a city plan related to an EIS requires consent to a city plan; a person authorized to give consent to that city plan and the persons designated in the following items, in accordance with the category of the EIS)" respectively; the term "excluding the Minister of the Environment)" and "receiving" in paragraph (2) of that Article are to be replaced with "excluding the Minister of the Environment), or a person authorized to give consent to a city plan, or a city planning decision maker concerning a city plan which does not require consent for a city plan" and "receiving or sending" respectively; the term "person specified in", "to the business operator" and "when the Minister of the Environment has expressed any opinions pursuant to Article 23," in Article 24 are to be replaced with "person authorized to give consent to a city plan and also the person specified in", "to the city planning decision maker, and when the Minister of the Environment has expressed any opinion pursuant to Article 23, that opinion must be taken into consideration by that person" and "when the person designated in each item in Article 22, paragraph (1), is to express their opinion through the person authorized to give consent to a city plan, and when that person authorized to give consent to a city plan has any opinion" respectively; the terms "business operator" and "take those into account" in Article 25, paragraph (1), are to be replaced with "city planning decision maker" and "take those (if the city planning decision maker is the Minister of Land, Infrastructure, Transport and Tourism, or the director of the Regional

Development Bureau or the director of the Hokkaido Regional Development Bureau; the opinion expressed pursuant to the provisions of that Article as well as the opinion of the Minister of the Environment expressed to the relevant city planning decision maker pursuant to the provisions of Article 23) into consideration" respectively; the term "the target project" in item (iii) of that paragraph is to be replaced with "the target project in a city plan"; the terms "the business operator" and "order of the competent ministry" in paragraph (2) of that Article are to be replaced with "the city planning decision maker" and "order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism" respectively; the terms "the business operator" and "to the persons specified in" in paragraph (3) of that Article are to be replaced with "the city planning decision maker" and "to follow through the deliberation of the persons (if a city plan related to an EIS requires consent for a city plan; the person entitled to consent to a city plan, and the persons specified in the following items of that paragraph, in accordance with the categories of the EIS). In this case, when the city planning decision maker is the Minister of Land, Infrastructure, Transport and Tourism, or the director of the Regional Development Bureau or the director of the Hokkaido Regional Development Bureau, or a prefecture, then that procedure is taken through the deliberation of the Prefectural City Planning Council, and when the city planning decision maker is comprised of municipalities, then that procedure is then followed through the deliberation of the Municipal City Planning Council (when a Municipal City Planning Council is not established in the relevant municipalities, then that procedure is followed through the deliberation of the Prefectural City Planning Council of the prefecture to which those municipalities belong) specified in" respectively; the terms "excluding the Minister of the Environment)" and "receiving" in Article 26, paragraph (1) are to be replaced with "except the Minister of the Environment), or a person entitled to consent to a city plan or a city planning decision maker related to a city plan which does not require consent to city plan" and "receiving or sending" respectively; the terms "the business operator", "and related mayors" and "paragraph (1), item (ii)...of that Article" are to be replaced with "the city planning decision maker", "the related mayors and the person who intending to implement the class-1 project referred to in Article 38-6, paragraph (1), or the project proponent referred to in Article 40, paragraph (1)" and "paragraph (1), item (ii)...of the preceding Article" respectively; the term "business operator" in Articles 27 and 28 is to be replaced with "city planning decision maker"; the term "intends to amend" in that Article is to be replaced with "intends to incorporate the target project, etc. into a city plan pursuant to the provisions of the City Planning Act by amending that target project, etc."; the terms "the business operator", "intends to amend", and "Article 4, paragraph (1)" in

Article 29, paragraph (1), are to be replaced with "the city planning decision maker", "intends to incorporate a project, or facilities concerning that project into a city plan pursuant to the provisions of the City Planning Act after amending that project", and "Article 4, paragraph (1) as applied following the deemed replacement of terms pursuant to the provisions of Article 39, paragraph (2)" respectively; the terms "Article 4, paragraph (2)", and "paragraph (3), item (i)" in paragraph (2) of that Article are to be replaced with "Article 4, paragraphs (2) (as applied following the deemed replacement of terms pursuant to the provisions of Article 39, paragraph (2))" and "Article 4, paragraph (3), item (i) as applied following the deemed replacement of terms pursuant to the provisions of Article 39, paragraph (2)" respectively; the terms "Article 4, paragraph (3), item (ii)" and "business operator" in paragraph (3) of that Article are to be replaced with "Article 4, paragraph (3), item (ii) as applied following the deemed replacement of terms pursuant to the provisions of Article 39, paragraph (2)" and "city planning decision maker" respectively; the term "a business operator" in Article 30, paragraph (1), is to be replaced with "the city planning decision maker"; the term "not to implement the target project" in item (i) of that paragraph (1) is to be replaced with "not to incorporate the target project, etc. into a city plan"; the term "issues" in Article 31, paragraph (1) is to be replaced with "has issued"; the term "has issued" in paragraph (2) and (3) of that Article is to be replaced with "had issued"; the term "issued" in that paragraph is to be replaced with "that had been issued"; the terms "has issued" and "paragraph (2) of the preceding Article" in paragraph (4) of that Article are to be replaced with "had issued" and "Article 30, paragraph (2)" respectively; the term "issuing" in Article 32, paragraph (1) is to be replaced with "having issued".

(Report on Environmental Conservation Measures for a Target Project for City Planning)

Article 40-2 For the application of the provisions of Articles 38-2 through 38-5, if a city planning decision maker has conducted an environment impact assessment and other procedures pursuant to the provisions of the preceding Article, paragraph (2), the term "The business operator who has issued a public notice under the provisions of Article 27 (when that business operator transferred the project before the implementation of the business; the new business operator)" in Article 38-2, paragraph (1), is to be replaced with "the person intending to implement the class-1 project referred to in Article 38-6, paragraph (1) who has received the EIS prescribed in Article 26, paragraph (2), as applied pursuant to the provisions of Article 40, paragraph (2), or the business operator referred to in Article 40, paragraph (1) (if the project has been transferred to a new project proponent before the implementation of that

project; the new business operator; referred to below as a "city planning proponent"); the term "the business operator prescribed in paragraph (1) of the preceding Article" in Article 38-3, paragraph (1) is to be replaced with "the city planning proponent"; the phrase "the business operator referred to in Article 38-2, paragraph (1)" in Article 38-5, is deemed to be replaced with "the city planning proponent."

(Coordination with City Planning Procedures)

Article 41 (1) A public notice to be issued by a city planning decision maker pursuant to the provisions of Article 16 or Article 27, as applied mutatis mutandis pursuant to the provisions of Article 40, paragraph (2), is made in conjunction with a public notice to be issued, pursuant to the provisions of Article 17, paragraph (1) of the City Planning Act (including when applied mutatis mutandis pursuant to Article 21, paragraph (2) of the Act, and also in cases when it applies following the deemed replacement of terms, pursuant to the provisions of Article 22, paragraph (1) of that Act), or with a public notice issued pursuant to the provisions of Article 20, paragraph (1) of that Act (including the cases where applied mutatis mutandis pursuant to Article 21, paragraph (2) of the that Act, and also when it is applies following the deemed replacement of terms pursuant to the provisions of Article 22, paragraph (1) of that Act).

(2) When making a draft EIS, and its summary available for public inspection pursuant to the provisions of Article 16, as applied mutatis mutandis pursuant to the provisions of Article 40, paragraph (2), a city planning decision maker (except the Minister of Land, Infrastructure, Transport and Tourism (in cases when, pursuant to the provisions of Article 85-2 of the City Planning Act, the authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed in Article 22, paragraph (1) of that Act, is delegated to either the director of the Regional Development Bureau or the director of the Hokkaido Regional Development Bureau, the relevant director of the Regional Development Bureau, or the Hokkaido Regional Development Bureau; the same applies in the following paragraph)) also is to make that draft available for public inspection together with the proposed city plan referred to in Article 17, paragraph (1) of the City Planning Act, regarding the city plan specified by those persons, and in the case of making the EIS, etc. and other documents available for public inspection pursuant to the provisions of Article 27, as applied following the deemed replacement of terms pursuant to the provisions of Article 40, paragraph (2), is to also make them available for public inspection together with the drawings and documents referred to in Article 14, paragraph (1) of the City Planning Act, pursuant to the provisions of Article 20, paragraph (2) of that Act (including when applied mutatis mutandis pursuant

to Article 21, paragraph (2) of the same Act) regarding the city plan specified by those persons.

- (3) When making a draft EIS and its summary available for public inspection pursuant to the provisions of Article 16 as applied *mutatis mutandis* pursuant to the provisions of Article 40, paragraph (2), the Minister of Land, Infrastructure, Transport and Tourism formulating a city plan concerning a target project, is also to make that draft available for public inspection together with the proposed city plan, referred to in Article 17, paragraph (1) of the City Planning Act, regarding the city plan specified by the Minister of Land, Infrastructure, Transport and Tourism, or when making an EIS, etc. available for public inspection pursuant to the provisions of Article 27 as applied *mutatis mutandis* pursuant to the provisions of Article 40, paragraph (2), the Minister is to send that EIS, etc. to the prefectural governors, and also to make that EIS, etc. available for inspection by that prefectural governor together with the copies of drawings and documents provided for in Article 14, paragraph (1) of the City Planning Act, pursuant to the provisions of Article 20, paragraph (2) of that Act (including when applied *mutatis mutandis* pursuant to Article 21, paragraph (2) of that Act), regarding the city plan specified by the Minister of Land, Infrastructure, Transport and Tourism.
- (4) If it is difficult to determine the opinions expressed, when a city planning decision maker has made a draft EIS available for public inspection along with the proposed city plan pursuant to the provisions of the preceding two paragraphs, and is unable to determine whether the content of an expressed opinion concerns a written opinion on a draft EIS, or a written opinion on a city plan pursuant to the provisions of Article 17, paragraph (2) of the City Planning Act (including when applied *mutatis mutandis* pursuant to Article 21, paragraph (2) of that Act, and also when it is applied *mutatis mutandis* pursuant to the provisions of Article 22, paragraph (1) of that Act), the city planning decision maker is to deem the content of that opinion as being either, and apply each relevant laws.
- (5) When conducting an environmental impact assessment, or other procedures pursuant to the provisions of Article 38-6, paragraph (1) or Article 40, paragraph (1), a city planning decision maker is to submit the matter to the Prefectural City Planning Council or Municipal City Planning Council, under the provisions of Article 25, paragraph (3), as applied following the deemed replacement of terms pursuant to the provisions of paragraph (2) of the that Article, in conjunction with submitting the matter to the Prefectural City Planning Council, pursuant to the provisions of Article 18, paragraph (2) of the City Planning Act (including as applied *mutatis mutandis* pursuant to Article 21, paragraph (2) of that Act and as applied following the deemed replacement of terms under the provisions of Article 22, paragraph (1) of that Act), or

submitting the matter to the Municipal City Planning Council, or the Prefectural City Planning Council under the provisions of Article 19, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 21, paragraph (2) of that Act).

(Special Provisions of the City Planning Act Concerning Procedures Related to a City Plan Specifying a Target Project)

Article 42 (1) For the application of the provisions of Articles 17, paragraph (1) and paragraph (2) of the City Planning Act (including cases where applied mutatis mutandis pursuant to Article 21, paragraph (2) of that Act, and also the cases where it is applied as a replacement of terms pursuant to the provisions of Article 22, paragraph (1) of the that Act) related to a proposed city plan in cases when a draft EIS is made available for public inspection, along with a proposed city plan pursuant to the provisions of the preceding Article, paragraphs (2) and (3), the term "two weeks" in Article 17, paragraph (1) of that Act is to be replaced with "one month," and the phrase "expiration of the period of public inspection" in Article 17, paragraph (2) of that Act is to be replaced with "the date of two weeks after the final day in the period of public inspection."

(2) When establishing a target project, etc. in a city plan, the city planning decision maker is to give appropriate consideration to a possible impact of the implementation of the target project concerning that city plan, and ensure the protection of the environment, in accordance with what is detailed in an EIS referred to in Article 27 as applied following the deemed replacement of terms pursuant to the provisions of Article 40, paragraph (2) (referred to in the following paragraph as an "EIS"), in addition to complying with the provisions of the City Planning Act.

(3) When giving consent to a city plan under the provisions of Article 18, paragraph (3) of the City Planning Act (including as applied mutatis mutandis pursuant to Article 21, paragraph (2) of that Act), Article 19, paragraph (3) of that Act as applied by replacing terms pursuant to the provisions of Article 87-2, paragraph (4) of that Act (including as applied mutatis mutandis pursuant to Article 21, paragraph (2) of that Act), or Article 51, paragraph (2) of the Act on Special Measures concerning Urban Reconstruction (referred to below as "city plan consent" in this paragraph and Article 45) concerning the city plan referred to in the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism (if the authority of the Minister of Land, Infrastructure, Transport and Tourism concerning consent for that city plan has been delegated to the directors of the Regional Development Bureau or the Director of the Hokkaido Regional Development Bureau, pursuant to the provisions of Article 85-2 of the City Planning Act, or pursuant to the provisions of Article

126 of the Act on Special Measures concerning Urban Reconstruction; the relevant director of the Regional Development Bureau or the director of the Hokkaido Regional Development Bureau; referred to as "a person entitled to consent to a city plan" in Article 45) must examine whether or not appropriate consideration is given for environmental conservation in that city plan, based on the matters stated in the EIS and the document referred to in Article 24, as applied mutatis mutandis pursuant to the provisions of Article 40, paragraph (2).

(Reimplementation When Changing a City Plan Accompanying any Change to the Contents of a Target Project)

Article 43 (1) If a city planning decision maker intends to amend a city plan concerning changes to the matters stated in Article 5, paragraph (1), item (ii) applied as a replacement of terms pursuant to the provisions of Article 40, paragraph (2), after a public notice has been issued pursuant to the provisions of Article 27, applied as a replacement of terms pursuant to the provisions of Article 40, paragraph (2), that city planning decision maker is to conduct an environmental impact assessment, instead of the business operator concerning the changes to those matters, and other procedures required by the provisions of Article 31, paragraphs (2) and (3), in conjunction with the procedures for changing that city plan, pursuant to the provisions of the following paragraph.

(2) For the application of the provisions of Article 31, paragraph (2) and (3) in the case referred to in the preceding paragraph, the term "Article 27" in paragraph (2) of the Article is to be replaced with "the city planning decision maker has issued the public notice pursuant to the provisions of Article 27, applied as a deemed replacement of terms pursuant to the provisions of Article 40, paragraph (2)"; the term "Article 5, paragraph (1), item (ii)" is to be replaced with "Article 5, paragraph (1), item (ii), applied as a replacement of terms pursuant to the provisions of Article 40, paragraph (2)"; the term "to modify any" is to be replaced with "to modify a city plan concerning any modifications"; the phrase "that modification" is deemed to be replaced with "modification to those matters"; the term "the provisions of paragraph (1)" in paragraph (3) of that Article is to be replaced with "Article 31, paragraph (1)"; the term "the provisions of Article 27" in paragraph (3) of that Article is to be replaced with "changes the city planning decision maker has made pursuant to the provisions of Article 27 applied as a replacement of terms pursuant to the provisions of Article 40, paragraph (2)"; the term "Article 5, paragraph (1), item (ii)" is deemed to be replaced with "Article 5, paragraph (1), item (ii) applied as a replacement pursuant to the provisions of Article 40, paragraph (2)"; the term "the relevant target project" is deemed to be replaced with "the relevant target project concerning a city plan in cases where that city plan concerning

the target project will be modified"; the term "the business operator" is deemed to be replaced with "the business operator concerning a city plan"; the term "in paragraph (1)" is deemed to be replaced with "in Article 31, paragraph (1)"; the term "Article 27" is deemed to be replaced with "Article 27 applied as a replacement of terms pursuant to the provisions of Article 40, paragraph (2)"; the term "issues" is deemed to be replaced with "is issued"; the phrase " those to be issued" is deemed to be replaced with " those that has been issued"; the term "issues" is deemed to be replaced with "is issued"; the term "Article 21, paragraph (1)" is deemed to be replaced with "Article 21, paragraph (1) applied as a replacement of terms pursuant to the provisions of Article 40, paragraph (2)".

(Coordination with an Environmental Impact Assessment Conducted by a Business Operator)

- Article 44 (1) During the period between issuing a public announcement as required by Article 3-4, paragraph (1) and a public notice is issued as required by Article 7 by a person intending to implement a class-1 project, if a city planning decision maker intending to establish the class-1 project concerning that public announcement in a city plan has notified the business operator intending to implement the class-1 project, and a person who has received a document on primary environmental impact consideration, or a scoping document from the business operator intending to implement that class-1 project, then the person intending to implement that class-1 project is to send that document on primary environmental impact consideration and the document referred to in Article 3-6, to the city planning decision maker, in cases when a scoping document concerning the class-1 project has not been prepared, or a scoping document when that scoping document has already been prepared. In such a case, the provisions of Article 38-6, paragraph (1) apply from the time of the receipt of that document on primary environmental impact consideration, and the document referred to in Article 3-6 or the scoping document by the city planning decision maker, regarding the class-1 project concerning that city plan.
- (2) In the case of the preceding paragraph, any examination of the items for a primary environmental impact consideration at the planning stage and other procedures conducted by the person intending to implement a class-1 project before the receipt of that notice is deemed to have been conducted by the city planning decision maker, and any procedures conducted against the person intending to implement the class-1 project are deemed to have been conducted against the city planning decision maker.
- (3) During the period between the preparation of a scoping document by a business operator concerning a class-2 project pursuant to the provisions of

Article 5, and a public notice is issued as required by Article 7, when the city planning decision maker intending to specify the class-2 project concerning that scoping document in a city plan sent a notice of that to the business operator, the person who has received the document on primary environmental impact consideration from the business operator (limited to cases in which that business operator has submitted the document on primary environmental impact consideration pursuant to the provisions of Article 3-4, paragraph (1)) and the person who has received a notification prepared pursuant to the provisions of Article 4, paragraph (1) from that business operator, and the prefectural governor referred to in paragraph (2) of that Article (in cases where the business operator has already submitted that scoping document pursuant to the provisions of Article 4, paragraph (1); the business operator and the person who has received a notification pursuant to the provisions of Article 4, paragraph (1), and the person who has received the scoping document), the provisions of Article 40, paragraph (1) for the target project regarding the relevant city plan is applied from the time the business operator has received the notification. In such a case, the business operator must promptly send that scoping document to the city planning decision maker, immediately after receiving the notification.

(4) In the case of the preceding paragraph, any environmental impact assessment and other procedures conducted by the business operator before the receipt of that notice are deemed to have been conducted by the city planning decision maker, and any procedures followed by the business operator are deemed to have been carried out by the city planning decision maker.

(5) During the period between a public notice is issued as required under the provisions of Article 7 by a business operator and a public notice is issued as required under the provisions of the preceding Article 16 by that business operator, when the city planning decision maker intending to incorporate a target project, etc. concerning a public notice into the city plan has sent a notice for that to the business operator, and the person who has received the document on a primary environmental impact consideration, a scoping document, or a draft EIS from that business operator (in cases where that target project concerning these public notices is a class-2 project; these persons and a person who has received that notification pursuant to the provisions of Article 4, paragraph (1)), the business operator is to promptly send a draft EIS, after preparing that draft EIS to the city planning decision maker, in cases when that draft EIS has not been prepared; or if that draft EIS has been prepared, then send that draft EIS immediately. In such a case, the provisions of Article 38-6, paragraph (1) or Article 40, paragraph (1) apply from the time the city planning decision maker receives that draft for the target project concerning that city plan.

- (6) The provisions of paragraph (4) apply mutatis mutandis to the procedures followed before the sending of the notice under the provisions of the preceding paragraph.
- (7) During the period between a public notice is issued as required under the provisions of Article 16 by a business operator, and a public notice is issued under the provisions of Article 27 by that business operator, if a public notice has been issued pursuant to the provisions of Article 17, paragraph (1) of the City Planning Act concerning the city plan referred to in paragraph (5), an environmental impact assessment and other procedures are to be subsequently conducted as required under Chapter V and Chapter VI, and the provisions of Article 38-6, paragraph (1) or Article 40, paragraph (1), does not apply. In this case, the business operator, after issuing a public notice as required under the provisions of Article 27, must promptly send the EIS related to that Article (referred to as an "EIS" in the following Article) to the city planning decision maker regarding that public notice.

(Special Provisions in Cases Where an Environmental Impact Assessment is Conducted by a Business Operator)

- Article 45 (1) Pursuant to the provisions of paragraph (7) of the preceding Article, a city planning decision maker who has received an EIS must send that EIS to the person entitled to consent to a city plan, if consent to the city plan is required when the city planning decision maker intends to establish the city plan referred to in that paragraph.
- (2) When the provisions of Article 18 of the City Planning Act (including as applied mutatis mutandis pursuant to Article 21, paragraph (2) of that Act, and in the case of Article 18, paragraphs (1) and (2) of that Act, including as applied mutatis mutandis pursuant to Article 22, paragraph (1) of the that Act following the deemed replacement of terms), or Article 19, paragraphs (1) and (2) of that Act (including as applied mutatis mutandis pursuant to Article 21, paragraph (2) of that Act) or Article 19, paragraph (3) of the that Act as applied following the deemed replacement of terms pursuant to Article 87-2, paragraph (4) of that Act (including as applied mutatis mutandis pursuant to Article 21, paragraph (2) of that Act) are applied to the city plan referred to in the preceding paragraph, the provisions of Article 42, paragraph (2) apply mutatis mutandis when the city planning decision maker intends to establish the city plan target project, etc. concerning the EIS received pursuant to the provisions of paragraph (7) of the preceding Article, and the provisions of Article 42, paragraph (3) apply mutatis mutandis to when the person entitled to consent to a city plan gives city planning consent to that city plan. In such a case, the term "as applied following the deemed replacement of terms pursuant to the provisions of Article 40, paragraph (2)" in paragraph (2) of that Article is

deemed to be replaced with "as received pursuant to the provisions of Article 44, paragraph (7)"; the term "the city plan referred to in the preceding paragraph" in paragraph (3) of that Article is deemed to be replaced with "the city plan referred to in Article 45, paragraph (1)" and the term "the matters stated in the EIS and the document referred to in Article 24 to be applied pursuant to the provisions of Article 40, paragraph (2)" is deemed to be replaced with "the matters stated in the EIS".

(Cooperation with Business Operators)

Article 46 (1) A city planning decision maker may request a person intending to implement a class-2 project, or business operator, to provide necessary cooperation including the provision of materials for conducting an environmental impact assessment and other procedures, attend a scoping document explanatory meeting and a draft EIS explanatory meeting, etc. as referred to in Articles 38 through 41, Articles 43 and 44.

(2) The business operator, who is the head of an administrative body of the national government (including a local branch of the administrative body) responsible for the implementation of a target project, or a corporation specified in Article 2, paragraph (2), item (ii), (c), or others specified by Cabinet Order, is to conduct the necessary environmental impact assessment, when requested by a city planning decision maker.

Section 2 Environmental Impact Assessment and Other Procedures Concerning Port Planning

(Definition of Terms)

Article 47 In this Section, the following Chapter and Supplementary Provisions, "port environmental impact assessment" means the process of conducting a survey, forecast and evaluating the likely impact of developing, utilization and preservation of a port, as well as preservation of the area adjacent to that port (referred to in this Section as "port development, etc.") incorporated into a port plan (referred to below as "port planning") prescribed in Article 3, paragraph (3), item (i) of the Port and Harbor Act (Act No. 218 of 1950) concerning an strategic international hub port, international hub port, or major port prescribed in Article 2, paragraph (2) of the Act, will have on the environment (referred to below as "port environmental impact"), studying possible environmental protection measures concerning port development, etc. incorporated into a port plan, in accordance with items concerning environmental components, and a comprehensive assessment of the overall port environmental impact when those measures are taken.

(Port Environmental Impact Assessment and Other Procedures Concerning A
Port Development Plan)

Article 48 (1) When making a decision on a port plan, or modifying a port plan, the port management body referred to in Article 2, paragraph (1) of the Port and Harbor Act (referred to below as a "port management body"), must conduct a port environment impact assessment and follow other procedures pursuant to the provisions of the following paragraph and paragraph (3), regarding that decision or modified port plan (referred to below as a "targeted port plan"), if a port plan falls under a large size landfill project, or any other conditions prescribed by Cabinet Order.

(2) The provisions of Chapters IV through VII (excluding Article 14, paragraph (1), item (iv) and paragraph (2), Articles 22 through 26, Article 29, and Article 30, paragraph (1), item (iii) and paragraph (2)) and the provisions of Article 31, paragraphs (1) through (3) are to apply mutatis mutandis to the port environmental impact assessment, and other procedures under the provisions of the preceding paragraph. In such a case, the term "environmental impact assessment" in the title of Chapter IV is deemed to be replaced with "port environmental impact assessment"; the term "environmental impact assessment" in the title of Article 11 is deemed to be replaced with "port environment impact assessment"; and the term "the business operator" in paragraph (1) of that Article is deemed to be replaced with "the port management body referred to in Article 48, paragraph (1) (referred to below as "port management body"); the term "when any opinions have been expressed in accordance with paragraph (1), paragraph (4), or (5) of the preceding Article, must review the matters stated in Article 5, paragraph (1), item (vii), while taking into account those opinions, as well as the opinions stated pursuant to Article 8, paragraph (1), as well as the methods of survey, forecast and evaluation methods, for each category of project stated in Article 2, paragraph (2), item (1), (a) through (m), pursuant to the provisions of order of the competent ministry" is deemed to be replaced with "pursuant to the provisions of order of the competent ministry"; the term "in an environmental impact assessment concerning the target project" is deemed to be replaced with "the port environmental impact assessment (referred to below as "port environmental impact assessment") pursuant to the provisions in that paragraph concerning port development, etc. (referred to below as "port development, etc."). referred to in that Article 47 to the target port plan (referred to below as the "target port plan") as referred to in that Article; the term "business operator" in paragraph (2) and paragraph (3) of that Article is deemed to be replaced with "port management body"; the term "target project" in paragraph (4) of that Article is deemed to be replaced with "port development, etc. as specified in the target port plan"; the term "environmental

impact assessment" is deemed to be replaced with "port environmental impact assessment"; the term "the competent minister (if the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister) is deemed to be replaced with "the competent minister"; the term "environmental impact assessment" in the title of Article 12 is deemed to be replaced with "port environmental impact assessment"; the term "business operator" in paragraph (1) of that Article is deemed to be replaced with "port management body"; the term "order of the competent ministry for each category of project stated in Article 2, paragraph (2), item (i), (a) through (m)" is deemed to be replaced with "order of the competent ministry"; the term "environmental impact assessment of the target project" is deemed to be replaced with "port environmental impact assessment of the target port plan"; the term "environmental impact assessment" in paragraph (2) of that Article is deemed to be replaced with "port environmental impact assessment"; the term "competent minister (when the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister)" in Article 13 is deemed to be replaced with "competent minister"; the term "business operator" in Article 14, paragraph (1), is deemed to be replaced with "port management body"; the term "target project" is deemed to be replaced with "port development, etc. specified in the target port plan"; the term "an environmental impact assessment" is deemed to be replaced with "the port environmental impact assessment"; the term "the environmental impact assessment" is deemed to be replaced with "the port environmental impact assessment"; the term "order of the competent ministry for each category of project stated in Article 2, paragraph (2), item (i), (a) through (m)" in paragraph (4) of that Article is deemed to be replaced with "order of the competent ministry"; the term "draft environmental impact assessment" is deemed to be replaced with "draft port environmental impact assessment"; the term "matters stated in Article 5, paragraph (1), items (i) through (vi)" in item (i) of that paragraph is deemed to be replaced with "name and address of the port management body"; the term "an outline of the opinions referred to in Article 8, paragraph (1)" in item (ii) of that paragraph is deemed to be replaced with "purpose and contents of the target port plan"; the term "opinions of the prefectural governors as referred to in Article 10, paragraph (1), or opinions by the mayor of the city designated by Cabinet Order referred to in paragraph (4) of that Article, and the opinion of the prefectural governor as referred to in paragraph (5) of that Article, if any" in item (iii) of that paragraph is deemed to be replaced with "the general conditions of the area and its surrounding areas in which the port development, etc. is to be implemented, as specified in the target port plan"; the term "content of the environmental impact" in item (iii), (a) of that paragraph is deemed to be replaced with "details of the port environmental impact (referred

to below as "port environmental impact"); the term " environmental impact" in item (iii), (d) of that paragraph is deemed to be replaced with "port environmental impact"; the term "business operator" in Article 15 is deemed to be replaced with "port management body"; the term "order of the competent ministry referred to in Article 6, paragraph (1)" is deemed to be replaced with "order of the competent ministry specified by the competent minister in consultation with the Minister of the Environment concerning the matters to serve as standards for an appropriate scope of area for seeking opinions, from the perspective of environmental conservation, on the port environmental impact assessment concerning the port development, etc. specified in the target port plan"; the term "environmental impact concerning the target project" is deemed to be replaced with "port environmental impact regarding the port development, etc. specified in the target port plan"; the term "including areas that are deemed to be added to the areas under Article 6, paragraph (1), in light of the opinions expressed pursuant to the provisions of Article 8, paragraph (1) and Article 10, paragraph (1), (4) or (5), and on the basis of the results of the environmental impact assessment conducted pursuant to Article 12, paragraph (1); referred to below" is deemed to be replaced with "referred to below"; the term "business operator" in Article 16 is deemed to be replaced with "port management body"; the term "environmental impact assessment" is deemed to be replaced with "port environmental impact assessment"; the term "business operator" in Article 17, paragraphs (1) and (2), Article 18, paragraph (1), Article 19, Article 20, paragraph (1) and paragraphs (3) through (6), and Article 21, paragraph (1) is deemed to be replaced with "port management body"; the term "project becomes a target project" in Article 21, paragraph (1) is deemed to be replaced with "port plan is a target port plan"; the term "Article 5, paragraph (1), item (ii)" in item (i) of that paragraph is deemed to be replaced with "Article 14, paragraph (1), item (ii)"; the term "size of the project" in that item is deemed to be replaced with "size of port development, etc. specified in the port plan"; the term "Articles 5 is deemed to be replaced with" Articles 11"; the term "environmental impact assessment" is deemed to be replaced with "port environmental impact assessment"; the term "Article 5, paragraph (1), item (i), or in Article 14, paragraph (1), items (ii) through (iv), item (vi) or item (viii)" in item (ii) of that paragraph is deemed to be replaced with "Article 14, paragraph (1), item (i), (vi) or item (viii)"; the term "the following Article through Article 27" is deemed to be replaced with "Article 27"; the term "environmental impact assessment" is deemed to be replaced with "port environmental impact assessment"; the term "environmental impact assessment for the relevant amended parts of the target project" in item (iii) of that paragraph is deemed to be replaced with "port environmental impact regarding the relevant amended parts of the port development, etc. specified in

the target port plan"; the term "business operator" in paragraph (2) of that Article is deemed to be replaced with "port management body"; the term "environmental impact assessment report" is deemed to be replaced with "port environmental impact assessment report"; the term "environmental impact assessment concerning" is deemed to be replaced with "port environmental impact assessment concerning"; the term "if an environmental impact assessment" is deemed to be replaced with "if the port environmental impact assessment"; the term "environmental impact assessment related to" is deemed to be replaced with "port environmental impact assessment related to"; the term "an environmental impact assessment" is deemed to be replaced with "the port environmental impact assessment"; the term "order of the competent ministry for each category of project stated in Article 2, paragraph (2), item (i), (a) through (m)" is deemed to be replaced with "order of the competent ministry"; the term "business operator" in Article 27 is deemed to be replaced with "port management body"; the term "a submission or notice under the provisions of Article 25, paragraph (3)" is deemed to be replaced with "an EIS under the provisions of Article 21, paragraph (2)"; the term "EIS, etc." is deemed to be replaced with "EIS and a document summarizing this"; the term "Target Project" in the title of Chapter VII is deemed to be replaced with "Target Port Project"; the term "Contents of a Project" in the title of Article 28 is deemed to be replaced with "Contents of a Port Plan"; the term "Environmental Impact Assessment" is deemed to be replaced with "Port Environmental Impact Assessment"; the term "business operator" in that Article is deemed to be replaced with "port management body"; the term "Article 7" is deemed to be replaced with "Article 16"; the term "Article 5, paragraph (1), item (ii)" is deemed to be replaced with "Article 14, paragraph (1), item (ii)"; the term "Article 21, paragraph (1), or Article 25, paragraph (1)" is deemed to be replaced with "Article 21, paragraph (1)"; the term "project falls under the category of a target project" is deemed to be replaced with "port plan falls under the category of a target port plan"; the term "for the project" is deemed to be replaced with "for the port development, etc. specified in the port plan"; the term "Articles 5 through" is deemed to be replaced with "from Articles 11 through"; the term "environmental impact assessment" is deemed to be replaced with "port environmental impact assessment"; the term "size of the project" is deemed to be replaced with "size of the port development, etc. specified in the port plan"; the term "Discontinuation of a Target Project" in the title of Article 30 is deemed to be replaced with "Suspension of the Decision of the Target Port Plan"; the term "business operator" in paragraph (1) of that Article is deemed to be replaced with "port management body"; the term "Article 7" is deemed to be replaced with "Article 16"; the term "scoping document, draft EIS" is deemed to be replaced with "draft EIS"; the term "not

to implement the target business" in item (i) of the that paragraph is deemed to be replaced with "no decision on the target port plan, or no change to the target port plan is to be made after that decision"; the term "Article 5, paragraph (1), item (ii)" with "Article 14, paragraph (1), item (ii)"; the term "under either a class-1 project or a class-2 project"; the term "Implementation of a Target Project in the title of Article 31 is deemed to be replaced with "Making a Decision on the Target Port Plan, or Making Changes to the Target Port Plan After"; the term "A business operator" in paragraph (1) of that Article is deemed to be replaced with "the port management body"; the term "target project" is deemed to be replaced with "target port plan"; the term ", Article 25, paragraph (1) or Article 28" is deemed to be replaced with "or Article 28"; the term "project" is deemed to be replaced with "port plan"; the term "project)" is deemed to be replaced with "port plan; the same applies below in this Article)"; the term "implement a target project (" is deemed to be replaced with "make a decision on the target port plan, or make changes to the target port plan after that decision ("; the term "a business operator" in paragraph (2) of that Article is deemed to be replaced with "the port management body"; the term "Article 5, paragraph (1), item (ii)" is deemed to be replaced with "Article 14, paragraph (1), item (ii)"; the term "the size of the project" is deemed to be replaced with "the size of the port development, etc. specified in the port plan"; the term "environmental impact assessment" is deemed to be replaced with "port environmental impact assessment"; the term "Article 5, paragraph (1), item (ii)" in paragraph (3) of that Article is deemed to be replaced with "Article 14, paragraph (1), item (ii)"; the term "implement the relevant project" is deemed to be replaced with "make a decision on the target port plan, or make changes to the target port plan after that decision"; the term "an environmental impact assessment" is deemed to be replaced with "the port environmental impact assessment", and the term "a business operator" is deemed to be replaced with "the port management body".

- (3) When making a decision on a targeted port plan, or modifying a targeted port plan after a decision has been made, in addition to complying with the provisions of the Port and Harbor Act, the port management body is to give appropriate consideration to any possible port environmental impact concerning port development, etc. specified in that port plan, and ensure protection of the environment, in accordance with the matters detailed in a port EIS referred to in Article 21, paragraph (2) as applied mutatis mutandis pursuant to the provisions of the preceding paragraph.

Chapter X Miscellaneous Provisions

(Communication With Local Governments)

Article 49 The business operator, etc. (meaning the business operator, city planning decision maker, and port management body; the same applies in Article 52) may keep in close contact with local governments concerning the publication, public notice, or public inspection, or the holding of a scoping document explanatory meeting, or a draft EIS explanatory meeting, pursuant to the provisions of this Act, and may request cooperation when it is found necessary.

(Consideration by the National Government)

Article 50 When a local government (including the port management body) implements a target project (including the adoption or modification of a targeted port plan) by receiving subsidies, etc. from the national government, the national government is to give appropriate consideration to the costs likely to be incurred in conducting an environmental impact assessment, and other procedures under the provisions of this Act.

(Technological Development)

Article 51 To improve necessary technology for an environmental impact assessment, the national government is to endeavor to promote the research and development of that technology, and disseminate its results.

(Disclosure of Documents Concerning an Environmental Impact Assessment)

Article 52 If a business operator, etc. has gone through the procedures specified in the following items, the Minister of the Environment may disclose the documents provided for in those items over the Internet, or by other means for the period specified by Cabinet Order. In such a case, the minister must obtain the consent of the business operator, etc. that prepared the documents in advance:

- (i) publication under the provisions of Article 3-4, paragraph (1) (including as applied pursuant to the provisions of Article 38-6, paragraph (3) following the deemed replacement of terms): the document on primary environmental impact consideration that has been published;
- (ii) the publication under the provisions of Article 7 (including as applied following a deemed replacement of terms pursuant to the provisions of Article 40, paragraph (2)): the scoping document for which the publication has been made;
- (iii) publication under the provisions of Article 16 (including as applied mutatis mutandis pursuant to Article 40, paragraph (2) following the deemed replacement of terms, and as applied mutatis mutandis pursuant to the provisions of Article 48, paragraph (2) following the deemed replacement of terms): a draft EIS that has been published;

- (iv) an EIS made public pursuant to the provisions of Article 27 (including as applied mutatis mutandis pursuant to the provisions of Article 40, paragraph (2) following the deemed replacement of terms, and as applied mutatis mutandis in accordance with Article 48, paragraph (2) following the deemed replacement of terms): the published EIS;
- (v) the publication under the provisions of Article 38-3, paragraph (1) (including as applied following the deemed replacement of terms, pursuant to the provisions of Article 40-2): the report that has been published.

(Exemptions)

- Article 53 (1) The provisions of Chapter II through the preceding Chapter of this Act do not apply to a project for disaster recovery, as prescribed in Article 87 of the Basic Act on Disaster Management (Act No. 223 of 1961) or projects referred to in Article 88, paragraph (2) of that Act; a project incorporated into a city planning referred to in Article 84, paragraph (1) of the Building Standards Act (Act No. 201 of 1950), in which the provisions of Article 84 apply, or a project that is subject to the provisions of that paragraph; a project implemented in an area designated as an urban disaster recovery promotion area pursuant to Article 5, paragraph (1) of the Act on Special Measures concerning Reconstruction of Urban Districts Damaged by Disaster (Act No. 14 of 1995) and is provided for in Article 5, paragraph (1), item (iii) of that Act.
- (2) The provisions of Chapter II are not to be applied to projects that have a serious influence on the national interest and are specified by Cabinet Order as requiring immediate implementation, due to the occurrence of a disaster, and other special circumstances.

(Establishment of an Order and Transitional Measures)

- Article 54 (1) When enforcing Cabinet Order in accordance with the provisions of Article 2, paragraph (2), or paragraph (3) which involves a project that has newly become a target project (including a project which has newly become a class-2 project, for which measures have been taken pursuant to the provisions of Article 4, paragraph (3), item (i) (including if it is applied following the deemed replacement of terms pursuant to the provisions of Article 39, paragraph (2)); referred to below as "new target project, etc.") because of the establishment, or revision or abolition of Cabinet Order (referred to as "Cabinet Order for a target project, etc." in this Article and paragraph (1) of the following Article), when there is a document (limited to the document designated pursuant to the provisions of the following paragraph at the time of enforcement of Cabinet Order for a target project, etc.) concerning that new target project, etc., which has been prepared, as referred to in the following items, in accordance with a Prefectural Ordinance or administrative guidance

prescribed in Article 36 of the Administrative Procedure Act (Act No. 88 of 1993) (including those enforced by a local government as prescribed in the provisions of that Article) and other measures (referred to below as "administrative guidance, etc."), that document is deemed to fall under any of the categories specified in the following items:

- (i) a document which is recognized as describing the results of a review of matters to be considered for environmental conservation, in one or two or more anticipated project implementation areas, when deciding the area in which that project will be implemented, and other matters specified by order of the competent ministry in the planning stage of a class-1 project: a document on primary environmental impact consideration referred to in Article 3-3, paragraph (1) (in the case of a class-1 project to be implemented pursuant to the provisions of paragraph (2) of that Article; a document on primary environmental impact consideration prepared pursuant to the provisions of that paragraph);
- (ii) a document which is recognized to contain opinions of the competent minister expressed, from the perspective of environmental conservation, on the document stated in the preceding item: the document referred to in Article 3-6;
- (iii) a document specifying the items of an environmental impact assessment, and which is found to follow procedures such as public inspection to listen to public and other third party opinions, including sending the document to the head of a local government (in this paragraph, referred to as "the head of related local government") who has jurisdiction over the area that is found to fall within the scope of environmental impact, and making the document available for public inspection and other procedures for seeking the opinion of a third party, and other measures written in the document under the provisions of Article 7-2, paragraph (1): a scoping document for which the procedures specified in Article 7 and 7-2 have been taken;
- (iv) a document outlining opinions stated, from the perspective of environmental conservation, for the document referred to in the preceding item, and which is recognized to have been submitted to the head of the related local government: a document which is referred to in Article 9, and for which the procedure specified in Article 9 has been taken;
- (v) a document which is recognized to contain opinions of the head of related local government, expressed on the document stated in item (iii) above from the perspective of environmental conservation: a document specified in Article 10, paragraph (1) or (4);
- (vi) a document which has been prepared as part of the process for inviting opinions on the results of an environmental impact assessment from the public, from the perspective of environmental conservation, and for which the

- procedures for the public inspection and public notice referred to in Article 16, and measures for making the results public under the provisions of Article 17, paragraph (1), are found to have been taken: a draft EIS for which the procedures referred to in Article 16 and 17 have been taken;
- (vii) a document describing the outline of opinions, from the perspective of environmental conservation, for the document stated in the preceding item, and which is found to have been submitted to the head of the local government: a document which is referred to in Article 19, and for which the procedure referred to in that Article has been taken;
 - (viii) a document which is found to contain the opinion of the head of a relevant local government, stated in the document referred to in item (vi), from the perspective of environmental conservation: a document referred to in Article 20, paragraph (1) or (4);
 - (ix) a document which is found to describe the results of a review conducted for the matters in the document stated in item (vi), after the opinion referred to in the preceding item has been expressed: an EIS as referred to in Article 21, paragraph (2);
 - (x) a document which is found to describe the results of a review, conducted by considering the opinion of an administrative body, when an opportunity to state that opinion is available, for the items in the document stated in item (vi) or the preceding item: an EIS referred to in Article 26, paragraph (2);
 - (xi) a document which is found to have taken the public procedure equivalent to the public notice referred to in Article 27: an EIS for which the procedure referred to in that Article has been taken.
- (2) For the documents stated in the preceding items, if a document is based on a Prefectural Ordinance, or administrative guidance, etc. (limited to those concerning a local government), the Minister of the Environment is to designate that document by asking the opinion of local government; or when that document is based on administrative guidance, etc. (limited to those concerning administrative bodies of the national government), the competent minister is to designate the relevant document in consultation with the Minister of the Environment (concerning administrative guidance, etc. which specifies that the city planning decision maker responsible for specifying a city plan is to conduct an environmental impact assessment, and other procedures regarding a class-1 or class-2 project incorporated into a city plan pursuant to the provisions of the City Planning Act as an urban development project, or a class-1 or class-2 project whose urban facilities are incorporated into a city plan pursuant to the provisions of that Act; the Minister of Land, Infrastructure, Transport and Tourism is to designate that document in consultation with the competent minister, and the Minister of the Environment).

- (3) Under the provisions of the preceding paragraph, the results of the designation are to be made public.
- (4) The provisions of the preceding three paragraphs (excluding paragraph (1), items (i) through (v) and item (x)) are to apply mutatis mutandis to a port plan which has newly become a targeted port plan in accordance with establishment, or revision or abolition of Cabinet Order pursuant to the provisions of Article 48, paragraph 1. In such a case, the term "Cabinet Order in accordance with the provisions of Article 2, paragraph (2), or paragraph (3) which involves a project that has newly become a target project (including a project which has newly become a class-2 project, for which measures have been taken pursuant to the provisions of Article 4, paragraph (3), item (i) (including cases where it is applied following the deemed replacement of terms pursuant to the provisions of Article 39, paragraph (2)); referred to below as "new target project, etc.") because of the establishment, or revision or abolition of Cabinet Order (referred to below as "Cabinet Order for a target project, etc." in this Article and paragraph (1) of the following Article)" in paragraph (1) is deemed to be replaced with "Cabinet Order referred to in Article 48, paragraph (1) (referred to as "Cabinet Order for a targeted port plan" in this Article)"; the term "that new target project, etc." is deemed to be replaced with "a port plan provided for in paragraph (4)"; the term "enforcement of Cabinet Order for a target project, etc." is deemed to be replaced with "enforcement of Cabinet Order for a targeted port plan"; the term "an environmental impact assessment" in item (vi) of that paragraph is deemed to be replaced with "a port environment impact assessment"; the term "public notice referred to in Article 16" is deemed to be replaced with "public notice referred to in Article 16 as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the term "Article 17, paragraph (1)" is deemed to be replaced with "Article 17, paragraph (1) as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the term "a draft EIS for which the procedures referred to in Article 16 and 17 have been taken", is deemed to be replaced with "a draft port EIS referred to in Article 14 as applied mutatis mutandis pursuant to Article 48, paragraph (2), for which the procedures referred to in Article 16 and 17 as applied mutatis mutandis pursuant to the provisions of Article 48, paragraph (2), have been taken"; the term "Article 19" in item (vii) of that paragraph is deemed to be replaced with "Article 19 as applied mutatis mutandis pursuant to the provisions of Article 48, paragraph (2)"; the term "Article 20, paragraph (1)" in item (viii) in that paragraph is deemed to be replaced with "Article 20, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 48, paragraph (2)"; the term "an EIS referred to in Article 21, paragraph 2" in item (xi) of that paragraph is deemed to be replaced with "a port EIS referred to in Article 21, paragraph (2) as applied mutatis mutandis pursuant to the provisions Article

48, paragraph (2)"; the term "Article 27" in item (xi) in that paragraph is deemed to be replaced with "Article 27 as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the term "an EIS" is deemed to be replaced with "a port EIS"; the term "the Minister of the Environment (concerning administrative guidance, etc. which specify that the city planning decision maker responsible for specifying a city plan is to conduct an environmental impact assessment, and other procedures regarding a class-1 or class-2 project incorporated into city plan pursuant to the provisions of the City Planning Act as an urban development project, or a class-1, or class-2 project whose urban facilities are incorporated into a city plan pursuant to the provisions of that Act, the Minister of Land, Infrastructure, Transport and Tourism is to designate that document in consultation with the competent minister, and the Minister of the Environment)" in paragraph (2) is deemed to be replaced with "the Minister of the Environment".

Article 55 (1) The provisions of Chapter II through the preceding Chapter do not apply, regarding a new target project, etc. falling under any of the following items (concerning those stated in items (i) through (iv), limited to those whose contents will not be changed, or which will be implemented with reduction in size or with only minor modification, or other modification as specified in cabinet order after the effective date of Cabinet Order for a target project, etc. (referred to below in this Article as "effective date of Cabinet Order")):

- (i) a project which is referred to in Article 2, paragraph (2), item (ii), (a) and for which a license, etc. has been given, or for which a special notification has been made before the effective date of Cabinet Order;
- (ii) a project which is referred to in Article 2, paragraph (2), item (ii), (b) and for which a decision on the granting of a government subsidy, etc. prescribed in that item, (b), has been made before the effective date of Cabinet Order;
- (iii) in addition to what is stated in the preceding two items, a project which is implemented in accordance with a national plan that is specified by laws, and is also specified by Cabinet Order, when that national plan has been established before the effective date of Cabinet Order;
- (iv) in addition to what is stated in the preceding three items, a project which has been incorporated into a city plan in accordance with the City Planning Act, and for which a public notice of the Act has been made before the effective date of Cabinet Order (including a project concerning urban facilities incorporated into a city plan; the same applies below) pursuant to the provisions of Article 17, paragraph (1) of that Act;
- (v) in addition to what is provided for in the preceding two items, a new target project, etc. which is specified in Article 2, paragraph (2), item (ii), (c) to (e), and is implemented by the final day in the period when six months have

elapsed from the effective date of Cabinet Order.

- (2) In the case of the preceding paragraph, in any document falling under one of the items of the preceding Article, paragraph (1), has been prepared concerning a new target project, etc. and in accordance with a Prefectural Ordinance before the effective date of Cabinet Order; notwithstanding the provisions of Article 62, an environmental impact assessment and other procedures regarding that project may continue to be conducted in accordance with that Prefectural Ordinance.
- (3) The provisions of Chapter II through the preceding Chapter do not apply regarding a project falling under any of the items stated in paragraph (1) and is implemented as a new target project, etc. because of the modification of its contents after the effective date of the cabinet order (limited to those which satisfy the conditions specified by cabinet order, when that modification involves a reduction in the degree of environmental impact).

Article 56 (1) A person intending to implement a new target project, etc. which falls under any of the items of the preceding Article, paragraph (1), notwithstanding the provisions of that paragraph, may conduct a review of items for a primary environmental impact consideration at the planning stage, an environmental impact assessment and other procedures concerning that new target project, etc. pursuant to the provisions of Articles 3-2 and 3-9, as well as Articles 5 through 27, or Articles 5 through 27, or Articles 11 through 27.

- (2) The provisions of Articles 28 through 31 and Article 32, paragraph (2), are to apply mutatis mutandis to a target project for which an environmental impact assessment and other procedures are conducted, pursuant to the provisions of the preceding paragraph. In such a case, the term "business operator" is deemed to be replaced with "person intending to implement a new target project, etc. as prescribed in Article 56, paragraph (1)".

Article 57 In addition to what is provided for in the preceding three Articles, in cases where an order is established, or revised or abolished based on the provisions of this Act, necessary transitional measures may be prescribed by that order to an extent that is considered to be reasonably necessary for that establishment, or revision or abolition.

(Delegation to Cabinet Order)

Article 58 Necessary matters for the enforcement of this Act, other than those prescribed in this Act, are specified by Cabinet Order.

(Competent Minister)

Article 59 (1) The competent minister in this Act is as indicated by the following items, in accordance with the category of project, or port plan stated in each item:

- (i) a project falling under Article 2, paragraph (2), item (ii), (a): the competent minister having jurisdiction over a license, etc. or special notification;
 - (ii) a project falling under Article 2, paragraph (2), item (ii), (b): the competent minister having jurisdiction over decisions made by the person empowered to make decisions on grants;
 - (iii) a project falling under Article 2, paragraph (2), item (ii), (c): the competent minister having jurisdiction over affairs conducted by the corporate supervisor;
 - (iv) a project falling under Article 2, paragraph (2), item (ii), (d): the competent minister having jurisdiction over the implementation of that project;
 - (v) a project falling under Article 2, paragraph (2), item (ii), (e): the competent minister having jurisdiction over affairs related to the implementation of the project, and the competent minister having jurisdiction over any license, patent, permission, authorization, approval or consent, or the affairs concerning notification referred to in (e) of that item concerning that project;
 - (vi) a port plan: the Minister of Land, Infrastructure, Transport and Tourism.
- (2) In this Act, order of the competent ministry means an order issued by a competent minister (when the competent minister is the head of external bureau of the Cabinet Office; Cabinet Office Order), and order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism means an order issued by a competent minister (if the competent minister is the head of external bureau of the Cabinet Office; the Prime Minister) and also by the Minister of Land, Infrastructure, Transport and Tourism (when the competent minister is the Minister of Land, Infrastructure, Transport and Tourism; an order issued by the Minister of Land, Infrastructure, Transport and Tourism).

(Classification of Affairs)

Article 60 (1) For affairs to be carried out under this Act, by a person specified in Article 4, paragraph (1), item (i) or (v), or Article 22, paragraph (1), item (i), (ii) or (vi) (limited to a body of a local government; referred to below as a "person specified in Article 4, paragraph (1), item (i), etc."), if licenses, etc. carried out by the person specified in Article 4, paragraph (1), item (i), etc. or a license, patent, permission, authorization, approval or consent specified in Article 2, paragraph (2), item (ii), (e), or the affairs concerning the special notification or a notification specified in that item (2), (e) falls under the category of a type-1 statutory entrusted function pursuant to the provisions in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947),

then it is regarded as type-1 statutory entrusted function (simply referred to below as "type-1 statutory entrusted function"); and when the affairs fall under the category of type-2 statutory entrusted function, pursuant to the provisions of that paragraph, item (ii), then it is regarded as a type-2 statutory entrusted function.

(2) The affairs which are carried out by a person specified in Article 4, paragraph (1), item (ii) or Article 22, paragraph (1), item (iii) (limited to a body of a prefectural government) pursuant to this Act, are regarded as type-1 statutory entrusted function.

(Relationship With Other Acts)

Article 61 An environmental impact assessment, and other procedures concerning a class-1 or class-2 project falling under the category of a project referred to in Article 2, paragraph (2), item (i), (e) are subject to this Act, and the Electricity Business Act.

(Relationship With Prefectural Ordinance)

Article 62 The provisions of this Act do not prevent any local government from establishing necessary provisions for prefectural ordinance concerning the following matters:

- (i) matters concerning environmental impact assessments, and other procedures regarding class-2 projects, and projects other than target projects;
- (ii) matters concerning procedures for environmental impact assessments conducted by a local government concerning a class-2 project, or a target project (limited to when the provisions of this Act are not violated).

(Respect for the Purport of this Act in Measures of Local Governments)

Article 63 Local governments are to respect the purport of this Act by taking necessary measures for environmental impact assessments regarding projects having an impact on the environment in their respective areas.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the provisions stated in the following items come into effect on the date specified in each item:

- (i) the provisions of Article 1, Article 2, Article 4, paragraph (10), Article 13, Article 39, paragraph (2) (limited to the part concerning Article 4, paragraph (10)), Article 48, paragraphs (1) and (2) (limited to the part concerning

Article 13), Article 58 and Article 8 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation;

- (ii) the provisions of Article 4, paragraph (3) (limited to the part concerning the order of the competent ministry in that paragraph; the same applies below in this item) and paragraph (9), Article 5, paragraph (1) (limited to the part concerning the order of the competent ministry in that paragraph; the same applies below in this item), Article 6, paragraph (1) (limited to the part concerning the order of the competent ministry in that paragraph) and paragraph (2), Article 7 (limited to the part concerning Order of the Prime Minister's Office in that Article), Article 8, paragraph (2) (limited to the part concerning Order of the Prime Minister's Office in that paragraph), Article 11, paragraph (1) (limited to the part concerning the order of the competent ministry in that paragraph; the same applies below in this item) and paragraph (3), Article 12, paragraph (1) (limited to the part concerning the order of the competent ministry in that paragraph; the same applies below in this item) and paragraph (2), Article 39, paragraph (2) (limited to the part concerning Article 4, paragraphs (3) and (9)), Article 40, paragraph (2) (limited to the part concerning Article 5, paragraph (1)), Article 48, paragraph (2) (limited to the part concerning Article 11, paragraphs (1) and (3), and Article 12, paragraphs (1) and (2)), the following Article, paragraphs (2) and (3), and (4) (limited to the part concerning that Article, paragraph (2) and (3)), and Article 5 of the Supplementary Provisions: the date specified by cabinet order within a period not exceeding one year from the day of promulgation.

(Transitional Measures)

Article 2 (1) When there is a document at the time of enforcing this Act (limited to the documents designated pursuant to the provisions of the following paragraph at the time of enforcement of this Act), regarding a project that has newly become a class-2 target project by enforcing that Act (including projects which have newly become class-2 projects for which measures have been taken pursuant to the provisions of Article 4, paragraph (3), item (i) (including cases where it is applied following the deemed replacement of terms pursuant to the provisions of Article 39, paragraph (2))), which has been prepared in accordance with Prefectural Ordinance or administrative guidance, etc., that document is deemed to fall under one of the categories specified in the following items:

- (i) a document stated in Article 53, paragraph (1), item (i): a scoping document for which the procedure referred to in Article 7 has been taken;
- (ii) a document stated in Article 53, paragraph (1), item (ii): a document which

- is referred to in Article 9, and for which the procedure referred to in that Article has been taken;
- (iii) a document stated in Article 53, paragraph (1), item (iii): a document referred to in Article 10, paragraph (1);
 - (iv) a document stated in Article 53, paragraph (1), item (iv): a draft EIS for which the procedures referred to in Article 16 and 17 have been taken;
 - (v) a document stated in Article 53, paragraph (1), item (v): a document which is referred to in Article 19, and for which the procedure referred to in that Article has been taken;
 - (vi) a document stated in Article 53, paragraph (1), item (vi): a document referred to in Article 20, paragraph (1);
 - (vii) a document stated in Article 53, paragraph (1), item (vii): an EIS referred to in Article 21, paragraph (2);
 - (viii) a document stated in Article 53, paragraph (1), item (viii): an EIS referred to in Article 26, paragraph (2);
 - (ix) a document stated in Article 53, paragraph (1), item (ix): an EIS for which the procedure referred to in Article 27 has been taken.
- (2) For the documents specified in the preceding items, when a document is based on Prefectural Ordinance, or administrative guidance, etc. (limited to those concerning a local government), the Director-General of the Environment Agency is to designate that document by asking the opinion of local government; or when that document is based on administrative guidance, etc. (limited to those concerning the administrative bodies of the national government), the competent minister is to designate that document in consultation with the Director-General of the Environment Agency (concerning administrative guidance, etc. which specifies that the city planning decision maker responsible for specifying a city plan is to conduct an environmental impact assessment, and other procedures concerning a class-1 or class-2 project incorporated into a city plan as an urban development project pursuant to the provisions of the City Planning Act, or a class-1 or class-2 project whose urban facilities are incorporated into a city plan under that Act, the Minister of Construction is to designate that document in consultation with the competent minister, and the Director-General of the Environment Agency).
- (3) The results of the designation made under the provisions of the preceding paragraph are to be made public.
- (4) The provisions of the preceding three paragraphs (excluding paragraph (1), items (i) through (iii) and item (viii)) are to apply *mutatis mutandis* to a port plan which has newly become the targeted port plan specified in Article 48, paragraph (1) in accordance with the enforcement of this Act. In such a case, the term "a project that has newly become a target project by enforcing that Act (including projects which have newly become class-2 projects for which

measures have been taken, pursuant to the provisions of Article 4, paragraph (3), item (i) (including cases where it is applied following the deemed replacement of terms pursuant to the provisions of Article 39, paragraph (2)))" in paragraph (1) is deemed to be replaced with "a port plan specified in paragraph (4)"; the term "a draft EIS for which the procedures referred to in Article 16 and 17 have been taken" in item (iv) of that paragraph is deemed to be replaced with "a draft port EIS for which the procedures referred to in Article 16 and 17, as applied mutatis mutandis pursuant to the provisions of Article 48, paragraph (2), have been taken"; the term "Article 19" in item (v) of that paragraph is deemed to be replaced with "Article 19 as applied mutatis mutandis pursuant to the provisions of Article 48, paragraph (2)"; the term "Article 20, paragraph (1)" in that paragraph, item (vi) is deemed to be replaced with "Article 20, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 48, paragraph (2)"; the term "an EIS as referred to in Article 21, paragraph (2)" in that paragraph, item (vii) is deemed to be replaced with "a port EIS referred to in Article 21, paragraph (2), as applied mutatis mutandis pursuant to the provisions of Article 48, paragraph (2)"; the term "an EIS for which the procedure referred to in Article 27 has been taken" in item (ix) of that paragraph is deemed to be replaced with "a port EIS for which the procedure referred to in Article 27, as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the term "the Director-General of the Environment Agency (concerning administrative guidance, etc. which specifies that the city planning decision maker responsible for specifying a city plan is to conduct an environmental impact assessment, and other procedures regarding a class-1 or class-2 project incorporated into a city plan pursuant to the provisions of the City Planning Act as an urban development project, or a class-1 or class-2 project whose urban facilities are incorporated into a city plan pursuant to the provisions of that Act; the Minister of Construction is to designate that document in consultation with the competent minister, and the Director-General of the Environment Agency)" in paragraph (2) is deemed to be replaced with "Director-General of the Environment Agency".

Article 3 (1) The provisions of Chapters II to VII do not apply to a class-1 or class-2 project falling under any of the following items (concerning those stated in items (i) through (iv); limited to those whose contents will not be changed, or which will be implemented with a reduction in size, or with only minor modifications as specified by Cabinet Order, or other modifications as specified by Cabinet Order after the effective date of this Act (referred to below in this Article as the "effective date")):

- (i) a project falling under Article 2, paragraph (2), item (ii), (a) and for which a license, etc. is given or for which a special notification has been made before

- the effective date;
- (ii) a project falling under Article 2, paragraph (2), item (ii), (b) and for which a decision on granting a government subsidy, etc. specified in that item (ii), (b) has been made before the effective date;
 - (iii) in addition to what is stated in the preceding two items, a project which is implemented in accordance with the development plan specified in Article 5, paragraph (1) of the National Highway Act (Act No. 79 of 1957), or another national plan that is specified in the provisions of laws, and is also specified by Cabinet Order, when the national plan has been established before the effective date;
 - (iv) in addition to what is stated in the preceding three items, a project which has been incorporated into a city plan in accordance with the City Planning Act and for which a public notice has been issued before the effective date, under the provisions of Article 17, paragraph (1) of that Act;
 - (v) in addition to what is provided for in the preceding two items, a class-1 or class-2 project falling under Article 2, paragraph (2), items (ii), (c) to (e) and are implemented within six months from the effective date.
- (2) In the case of the preceding paragraph, if a document falling under one of the items of Article 53, paragraph (1) has been prepared concerning a class-1 or class-2 project, in accordance with Prefectural Ordinance, before the effective date, notwithstanding the provisions of Article 60, an environmental impact assessment, and other procedures concerning that project may be subsequently conducted, in accordance with Prefectural Ordinance.
- (3) The provisions of Chapters II through VII do not apply to a project falling under any of the items of paragraph (1), and which is implemented as a class-1 or class-2 project, because of modification of its contents after the effective date (limited to those which satisfy the conditions specified by Cabinet Order when that modification involves a reduction in the degree of environmental impact).

Article 4 (1) Notwithstanding the provisions of the preceding paragraph, a person intending to implement a class-1 or class-2 project falling under any of the items stated in paragraph (1) of the preceding Article, may conduct an environmental impact assessment, and other procedures concerning that project, under the provisions of Articles 5 through 27, or Articles 11 through 27.

- (2) The provisions of Articles 28 through 31 and Article 32, paragraph (2), are to apply *mutatis mutandis* to a target project for which an environmental impact assessment, and other procedures are to be conducted pursuant to the provisions of the preceding paragraph. In such a case, the term "business operator" is deemed to be replaced with "a person intending to implement the class-1 or class-2 project prescribed in Article 4, paragraph (1) of the Supplementary Provisions".

- Article 5 (1) A person becoming a business operator after the enforcement of this Act may conduct an environmental impact assessment, and other procedures pursuant to the provisions of Articles 5 through 12, after the enforcement of the provisions stated in Article 1, item (ii) of the Supplementary Provisions, and before the enforcement of this Act.
- (2) When a person prescribed in the preceding paragraph intends to conduct an environmental impact assessment, or to implement other procedures pursuant to the provisions of that paragraph, that person is to notify the competent minister of that intention in accordance with Order of the Prime Minister's Office.
- (3) A competent minister who has received a notification under the provisions of the preceding paragraph is to issue a public notice to that effect without delay.
- (4) If a public notice has been issued under the provisions of the preceding paragraph, and the person prescribed in paragraph (1) has conducted an environmental impact assessment and other procedures provided for in Articles 5 through 12, a person who is assumed to become governor of the relevant prefecture, or mayor of the relevant municipality after the enforcement of this Act, is to conduct those procedures in accordance with those provisions.
- (5) For a target project in which the procedures have been taken under the provisions of the preceding paragraph, those procedures are deemed to have been taken on the effective date, pursuant to the provisions of this Act.
- (6) The provisions of the preceding items are to apply mutatis mutandis to a person intending to become a city planning decision maker for conducting an environmental impact assessment, and other procedures in lieu of the business operator pursuant to the provisions of Article 40, paragraph (1) after the enforcement of this Act. In such a case, the term "a business operator" in paragraph (1) is deemed to be replaced with "a city planning decision maker who will conduct an environmental impact assessment, and other procedures instead of the business operator, pursuant to the provisions of Article 40, paragraph (1)"; the term "Article 5" is deemed to be replaced with "Article 5 as applied following the deemed replacement of terms pursuant to the provisions of Article 40, paragraph (2)"; the term "the competent minister" in paragraph (2) and (3) is deemed to be replaced with "the competent minister and the Minister of Construction"; the term "Article 5" in paragraph (4) is deemed to be replaced with "Article 5, as applied following the deemed replacement of terms, pursuant to the provisions of Article 40, paragraph (2)."

(Delegation to Cabinet Order)

Article 6 In addition to what is provided for in Articles 2 through 5 of the Supplementary Provisions, matters concerning transitional measures

necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 7 When ten years have elapsed since the enforcement of this Act, the national government is to review the status of the enforcement of this Act, and take any necessary measures based on the results of that review.

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

(Effective Date)

Article 1 This Act comes into effect on April 1, 2000; provided, however, that the provisions stated in the following items come into effect on the date specified in each item:

(i) the provisions in Article 1 to revise the Local Autonomy Act by adding five Articles, a Section name and two Subsections, and two Subsection titles after Article 250 (limited to the part concerning Article 250-9, paragraph (1) of that Act (limited to the part concerning the consent of both Houses of the Diet)); the provisions in Article 40 to revise paragraphs (9) and (10) of the Supplementary Provisions to the Natural Parks Act (limited to the part concerning paragraph (10) of the Supplementary Provisions to that Act); the provisions in Article 244 (except the part concerning the provisions to revise Article 14-3 of the Agricultural Improvement Promotion Act), and provisions in Article 472 (except the part concerning the provisions to revise Article 6, 8 and 17 of the Act on Special Provisions of the Merger of Municipalities), and provisions in Articles 7, 10, 12, the proviso to Article 59, Article 60, paragraph (4) and (5), Articles 73, 77, 157, paragraphs (4) to (6), Articles 160, 163, 164 and 202 of the Supplementary Provisions: the date of promulgation.

(Affairs of the National Government)

Article 159 In addition to what is provided for in respective laws before revision by this Act, affairs that are managed or executed, before the enforcement of this Act, by a body of a local government on behalf of the national government, or local governments, or other public bodies pursuant to the provisions of an Act, or a Cabinet Order enacted under them (referred to below as "affairs of the national government, etc." in Article 161 of the Supplementary Provisions), after the enforcement of this Act, is to be handled by that local government as local government affairs, in accordance with the laws , or Cabinet Order enacted under those laws.

(Transitional Measures Concerning Dispositions and Applications)

Article 160 (1) When applying respective laws that are amended by this Act on

or after the date of the enforcement of this Act, except the provisions of Article 2 through the preceding Article of the Supplemental Provisions, and the provisions related to the transitional measures for those respective laws (including orders based on them) that are amended by this Act, dispositions to grant permission, etc. and other acts (referred to below as "acts of dispositions, etc." in this article) carried out pursuant to the provisions of Acts not yet amended by this Act (or the provisions stated in each item of Article 1 of the Supplementary Provisions; the same applies below in this Article, and Article 163 of the Supplementary Provisions) before the enforcement of this Act, or filing applications for permission, etc. and other acts (referred to below as "the acts of filing applications, etc." in this Article) carried out pursuant to the provisions of Acts not yet amended by this Act, at the time of enforcement of this Act, in cases where affairs regarding these acts are dealt with by any other administrator on the enforcement date of this Act, which are deemed to be the acts of dispositions, etc. or the acts of filing applications, etc. carried out pursuant to the corresponding provisions of respective laws amended by this Act.

- (2) For the matters requiring a report, notification, submission, or other procedures to be made or taken before the enforcement of this Act to a national or local government body, pursuant to the provisions of the respective laws before revision, and for which those procedures have not been taken before the enforcement date of this Act, the provisions of the respective laws amended by this Act are applied by regarding them as the matters for which a report, notification, submission, or other procedures are required to be made to the corresponding body of national or local government pursuant to the corresponding provisions of the respective revised laws, and for which those procedures have not been taken, except as otherwise provided for in this Act, or a Cabinet Order under it.

(Transitional Measures Concerning an Appeal)

Article 161 (1) For an appeal under the Administrative Complaint Review Act against a disposition concerning the affairs of the national government that was made before the effective date by an administrative agency (referred to below as an "administrative agency reaching the disposition" in this Article) that has a higher administrative agency provided for in that Act (referred to below as a "higher administrative agency" in this Article) before the effective date, the provisions of the Administrative Complaint Review Act are applied even after the effective date, by deeming that the administrative body reaching the disposition continues to be a higher administrative agency. In such a case, the administrative agency that is deemed to be the higher administrative agency of the administrative agency reaching the disposition, is the

administrative agency which is the higher administrative agency of the administrative agency reaching the disposition before the effective date.

(2) In the case referred to in the preceding paragraph, when the administrative agency that is deemed to be the higher administrative agency is a body of a local government, the affairs to be handled by that body pursuant to the provisions of the Administrative Complaint Review Act are the type-1 statutory entrusted function prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 In addition to what is provided for in the present Supplementary Provisions, any transitional measures (including transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 250 For the type 1 statutory entrusted function specified in Article 2, paragraph (9), item (i) of the new Local Autonomy Act, creation of new statutory entrusted functions are to be avoided to the extent possible, and those stated in Appended Table 1 of the new Local Autonomy Act, and those specified by Cabinet Order under the new Local Autonomy Act, are to be reviewed from the perspective of promoting decentralization, and are to be revised appropriately as necessary.

Article 251 To enable local governments to conduct their affairs and projects voluntarily and independently, the national government is to review ways to secure adequate sources of local tax revenue in accordance with the sharing of roles between the national government and local governments as it considers prevailing economic trends, etc., and are to take any necessary measures based on the results of that review.

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

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect on January 6, 2001; provided, however, that the provisions stated in the following items come into effect on the dates specified respectively in those items:

(i) the provisions of Article 995 (limited to the part concerning the provisions revising the Supplementary Provisions of the Act for Partial Revision of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors) and Article 1305, Article 1306, Article 1324, paragraph (2), Article 1326, paragraph (2) and Article 1344: the date of promulgation.

Supplementary Provisions [Act No. 73 of May 19, 2000] [Extract]

(Effective Date)

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

Supplementary Provisions [Act No. 10 of March 31, 2004] [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 2004; provided, however, that the provisions of the following items come into effect on the date specified in each of these items:

- (i) the provisions of Article 2 and Articles 2 through 4 and Article 6 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation;
- (ii) the provisions of Article 3, and Article 5 and 7 of the Supplementary Provisions: July 1, 2004.

Supplementary Provisions [Act No. 34 of April 27, 2005] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of Article 1 (except the provisions of Article 30, paragraph (1) of the Act on Special Measures concerning Urban Reconstruction and the provisions to revise Article 42, item (iii) of that Act) and Article 15 of the Supplementary Provisions, come into effect on the date of promulgation.

Supplementary Provisions [Act No. 89 of July 29, 2005] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation (referred to below as the "effective date").

Supplementary Provisions [Act No. 118 of December 22, 2006] [Extract]

(Effective Date)

Article 1 This Act comes into effect on a date specified by Cabinet Order within a

period not exceeding three months from the date of promulgation.

Supplementary Provisions [Act No. 19 of March 31, 2007] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

Supplementary Provisions [Act No. 75 of June 18, 2008] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation.

Supplementary Provisions [Act No. 9 of March 31, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 2011.

Supplementary Provisions [Act No. 24 of April 27, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

Supplementary Provisions [Act No. 27 of April 27, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the provisions stated in the following items come into effect on the date specified in each of these items:

- (i) the provisions of Article 9 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Article 1, the provisions for revision to Article 2 by adding a new section and a section title before Chapter II, Article 4 of the Environmental Impact Assessment Act (limited to the part concerning Article 3-8 of that Act) and adding four articles following Chapter VI, Article 38 of that Act (limited to the part concerning Article 38-2, paragraph (3) of that Act), as well as the provisions of the following Article to Article 4 of the Supplementary Provisions, and the provisions of Article 11 of the Supplementary Provisions (except the provisions to revise the table of

contents of the Electricity Business Act (Act No. 170 of 1964), the provisions to revise Article 46-4 and 46-22 of that Act, as well as the provisions for the revision of Chapter III, Section 2, Subsection 2-2 of that Act, to change the number of Article 46-22 to Article 46-23, change the number of Article 46-21 to Article 46-22, and by adding a new article following Article 46-20): the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation;

(iii) the provisions for the revision of Article 2 to add a new section, and a section title before Chapter II, Article 4 of the Environmental Impact Assessment Act (limited to the part concerning Article 3-2, paragraphs (2) and (3), as well as Article 3-7, paragraph (2) of that Act) and by adding four articles following Chapter VI, Article 38 of that Act (limited to the part concerning Article 38-2, paragraph (2) of that Act), as well as the provisions of Article 8 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding one year, and six months from the date of promulgation.

(Transitional Measures)

Article 2 The provisions of Article 7, 16, or 27 of the Environmental Impact Assessment Act amended by Article 1 (referred to below in this Article as the "new Act") are applied to the following document, concerning a public notice issued, or a public inspection conducted after the enforcement date of the provisions stated in the preceding Article, item (ii); scoping document for an environmental impact assessment prescribed in Article 5, paragraph (1) of that Act (referred to below as a "scoping document"); a draft environmental impact statement prescribed in Article 14, paragraph (1) of that Act (referred to below as a "draft EIS"); or an environmental impact statement prescribed in Article 21, paragraph (2) of that Act (referred to below as an "EIS").

Article 3 The provisions of Article 7-2 of the new Act (including the cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 17, paragraph (2) of the new Act), are applied to a scoping document, or a draft EIS concerning a public notice issued, or a public inspection conducted after the enforcement date of the provisions stated in Article 1, item (ii) of the Supplementary Provisions.

Article 4 The provisions of Article 10, paragraphs (4) through (6), and Article 20, paragraphs (4) to (6) of the new Act, are applied to a scoping document, or a draft EIS concerning a public notice issued, or a public inspection conducted after the enforcement date of the provisions stated in Article 1, item (ii) of the Supplementary Provisions.

Article 5 The provisions of Articles 3-2 through 3-7 of the Environmental Impact Assessment Act revised under the provisions of Article 2 (referred to below as the "Act revised under the provisions of Article 2") are not applied to a project for which a public notice has been issued for a scoping document before the enforcement date (referred to below as "enforcement date").

Article 6 (1) When enforcing this Act, concerning a class-1 project prescribed in Article 2, paragraph (2) of the Environmental Impact Assessment Act (referred to below as a "class-1 project"), and there is a document which has been prepared, as referred to in each of the following items in accordance with a Prefectural Order or administrative guidance prescribed in Article 36 of the Administrative Procedure Act (Act No. 88 of 1993) (including those enforced by a local government as prescribed in the provisions of that Article) and other measures (in the following paragraph referred to as "administrative guidance, etc."), that document is deemed to fall under one of the categories specified in the respective items:

(i) a document stated in Article 53, paragraph (1), item (i) of the Act revised under the provisions of Article 2: a document on primary environmental impact consideration referred to in Article 3-3, paragraph (1) of the Act revised under the provisions of Article 2;

(ii) a document stated in Article 53, paragraph (1), item (ii) of the Act revised under the provisions of Article 2: a document referred to in Article 3-6 of the Act revised under the provisions of Article 2.

(2) For the documents stated in the preceding items, when the relevant document is based on a Prefectural Order, or administrative guidance, etc. (limited to those regarding a local government), the Minister of the Environment is to designate that document by asking the opinions of the relevant local government; or when that document is based on administrative guidance, etc. (limited to that concerning the administrative bodies of the national government), the competent minister is to designate that document in consultation with the Minister of the Environment (concerning administrative guidance, etc. which specifies that the city planning decision maker referred to in Article 38-6, paragraph (1) of the Act revised under the provisions of Article 2 (referred to below as the "city planning decision maker") responsible for specifying a city plan is to conduct an environmental impact assessment, and other procedures concerning a class-1 project incorporated into city plan pursuant to the provisions of the City Planning Act (Act No. 100 of 1968), as an urban development project prescribed in Article 4, paragraph (7) of that Act, or a class-1 project whose urban facilities are incorporated into a city plan, pursuant to the provisions of that Act, the Minister of Land, Infrastructure,

Transport and Tourism is to designate that document in consultation with the competent minister, and the Minister of the Environment).

- (3) The results of the designation pursuant to the provisions of the preceding paragraph is made public.

Article 7 The provisions of Article 38-2 and 38-3 of the Act revised under the provisions of Article 2 (including the cases where it is applied following the deemed replacement of terms pursuant to the provisions of Article 40-2 of the Act revised under the provisions of Article 2) are applied to a business operator and a city planning decision maker who has issued a public notice for an EIS, and has made that EIS available for public inspection after the enforcement date.

Article 8 (1) Any person intending to implement the class-1 project prescribed in Article 3-2, paragraph (1) of the Act revised under the provisions of Article 2 after the enforcement of this Act may conduct examination of matters for a primary environmental impact consideration at the planning stage, before the enforcement of this Act, and other procedures prescribed in Article 3-2, paragraph (1) of the Act revised under the provisions of Article 2, as prescribed in the provisions of Articles 3-2 through 3-9 of the Act revised under the provisions of Article 2.

- (2) For a class-1 project for which a procedure prescribed in the preceding paragraph has been taken, the procedure is deemed to have been taken on the enforcement date pursuant to the corresponding provisions of the Act revised under the provisions of Article 2.

- (3) The provisions of the preceding two paragraphs, pursuant to the provisions of Article 38-6, paragraph (1) of the Act revised under the provisions of Article 2, are applied mutatis mutandis to a person who is to be the city planning decision maker intending to conduct an examination of matters for a primary environmental impact consideration at the planning stage after the enforcement of this Act, and other procedures prescribed in Article 3-2, paragraph (1) of that Act as applied following the deemed replacement of terms pursuant to the provisions of Article 38-6, paragraph (3) of the same Act, instead of a person intending to implement a class-1 project prescribed in Article 3-2, paragraph (1) of that Act. In such a case, the term "the Act revised under the provisions of Article 2" in paragraph (1) is deemed to be replaced with "the Act amended by Article 2 as applied following the deemed replacement of terms pursuant to the provisions of Article 38-6, paragraph (3) of the Act revised under the provisions of Article 2"; the term "of the Act revised under Article 2" is deemed to be replaced with "of the Act revised under the provisions of Article 2 as applied following the deemed replacement of

terms pursuant to the provisions of that paragraph."

(Delegation to Cabinet Order)

Article 9 In addition to what is provided for in the Supplementary Provisions, Articles 2 through 8, matters concerning transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 10 When ten years have elapsed since the enforcement of this Act, the national government is to review the situation of enforcement of this Act, and take any necessary measures based on the results of that review.

Supplementary Provisions [Act No. 70 of June 22, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 2012; provided, however, that the provisions of the following Article come into effect on the date of promulgation, and the provisions of Article 17 of the Supplementary Provisions come into effect on the date of promulgation of the Act on the Development of Related Acts for Promoting Reform with the Aim of Increasing the Autonomy and Independence of Local Authorities (Act No. 105 of 2011), or the date of promulgation of this Act.

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

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation; provided, however, that the provisions of the following items come into effect as stated in each of these items:

(i) omitted;

(ii) Article 2, Article 10 (limited to the provisions for revising Article 18 of the Act on Special Districts for Structural Reform), Article 14 (limited to the provisions for revising Article 252-19 and 260 of the Local Autonomy Act, those for revising Appended Table 1 of the relevant Act, concerning the Noise Regulation Act (Act No. 98 of 1968), the City Planning Act (Act No. 100 of 1968), the Urban Renewal Act (Act No. 38 of 1969), the Basic Environment Act (Act No. 91 of 1993), and the Act on Promotion of Improvement of Disaster Control Districts in Populated Urban Districts (Act No. 49 of 1997), and those for revising Appended Table 2 of the Act, concerning the Urban Renewal Act (Act No. 38 of 1969), the Act on Advancement of Expansion of Public Lands (Act No. 66 of 1972), the Act on Special Measures Concerning

Promotion of Supply of Houses and Housing Lands in Urban Districts (Act No. 67 of 1975), the Act on Promotion of Improvement of Disaster Control Districts in Populated Urban Districts (Act No. 49 of 1997), and the Act on Facilitation of Reconstruction of Condominiums (Act No. 78 of 2002)), Articles 17 through 19, Article 22 (limited to the provisions for revising Articles 21-5-6, 21-5-15, 21-5-23, 24-9, 24-17, 24-28, and 24-36 of the Child Welfare Act), Articles 23 through 27, Article 29 through 33, Article 34 (limited to the provisions for revising Articles 62, 65, and 71 of the Social Welfare Act), Article 35, Article 37, Article 38 (excluding the provisions for revising Articles 46, 48-2, 50, and 50-2 of the Water Supply Act), Article 39, Article 43 (limited to the provisions for revising Articles 19, 23, 28, and 30-2 of the Human Resources Development Promotion Act), Article 51 (limited to the provisions for revising Article 64 of the Act on Prevention of Infectious Diseases and Medical Care for Patients Suffering Infectious Diseases), Article 54 (excluding the provisions for revising Article 88 and 89 of the Services and Support for Persons with Disabilities Act), Article 65 (excluding the provisions for revising Article 3, paragraph (1), item (ix), Article 4, Article 5, and Article 57 of the Agricultural Land Act), Articles 87 through 92, Article 99 (limited to the provisions for revising Article 24-3 and 48-3 of the Road Act), Article 101 (limited to the provisions for revising Article 76 of the Land Readjustment Act), Article 102 (limited to the provisions for revising Articles 18 through 21, 27, 49, and 50 of the Act on Special Measures Concerning Road Construction and Improvement), Article 103, Article 105 (excluding the provisions for revising Article 4 of the Parking Lot Act), Article 107, Article 108, Article 115 (limited to the provisions for revising Articles 15 and 17 of the Act on the Conservation of Suburban Green Zones in the National Capital Region), Article 116 (excluding the provisions for revising Article 3-2 of the Act on the Improvement of Urban Distribution Centers), Article 118 (limited to the provisions for revising Articles 16 and 18 of the Act on Arrangement of Conservation Districts in the Kinki Area), Article 120 (excluding the provisions for revising Articles 6-2, 7-2, and 8, Articles 10-2 through 12-2, and Articles 12-4, 12-5, 12-10, 14, 20, 23, 33, and 58-2 of the City Planning Act), Article 121 (limited to the provisions for revising Articles 7-4 through 7-7, Articles 60 through 62, and Articles 66, 98, 99-8, 139-3, 141-2, and 142 of the Urban Renewal Act), Article 125 (excluding the provisions for revising Article 9 of the Act on Advancement of Expansion of Public Lands), Article 128 (excluding the provisions for revising Articles 20 and 39 of the Urban Green Space Conservation Act), Article 131 (limited to the provisions for revising Articles 7, 26, 64, 67, 104, and 109-2 of the Act on Special Measures concerning Promotion of Supply of Houses and Housing Lands in Urban Districts), Article 142 (limited to the provisions for revising

Article 18 and Articles 21 through 23 of the Act on Comprehensive Development of Regional Core Cities with Relocation of Office-Work Function), Article 145, Article 146 (excluding the provisions for revising Article 5 and Article 7, paragraph (3) of the Act on Special Measures Concerning Reconstruction of Urban Districts Damaged by Disaster), Article 149 (limited to the provisions for revising Articles 20, 21, 191, 192, 197, 233, 241, 283, 311, and 318 of the Act on Promotion of Improvement of Disaster Control Districts in Populated Urban Districts), Article 155 (limited to the provisions for revising Article 51, paragraph (4) of the Act on Special Measures Concerning Urban Reconstruction), Article 156 (excluding the provisions for revising Article 102 of the Act on Facilitation of Reconstruction of Condominiums), Article 157, Article 158 (limited to the provisions for revising Article 57 of the Landscapes Act), Article 160 (limited to the provisions for revising Article 6, paragraph (5) of the Act on Special Measures Concerning Development of Public Rental Housing to Accommodate Various Demands of Communities (excluding the part for revising "paragraph (2), item (ii), (a)" to "paragraph (2), item (i), (a)")) and revising Articles 11 and 13 of that Act), Article 162 (limited to the provisions for revising Articles 10, 12, and 13, Article 36, paragraph (2), and Article 56 of the Act on the Promotion of Smooth Transportation of Elderly Persons, Disabled Persons), Article 165 (limited to the provisions for revising Articles 24 and 29 of the Act on Maintenance and Improvement of Traditional Scenery in Certain Districts), Article 169, Article 171 (limited to the provisions for revising Article 21 of the Waste Management and Public Cleansing Act), Article 174, Article 178, Article 182 (limited to the provisions for revising Articles 16 and 40-2 of the Basic Environment Act), and Article 187 (limited to the provisions for revising Article 15 of the Protection of Wild Bird and Mammals and Hunting Management Act, revising Article 28, paragraph (9) of that Act (excluding the part for revising "Article 4, paragraph (3)" to "Article 4, paragraph (4)")), those for revising Article 29, paragraph (4) of that Act (excluding the part for revising "Article 4, paragraph (3)" to "Article 4, paragraph (4)")), and those for revising Articles 34 and 35 of the relevant Act), as well as the provisions of the Supplementary Provisions, namely, the provisions of Article 13, Articles 15 to 24, Article 25, paragraph (1), Article 26, Article 27, paragraphs (1) to (3), Articles 30 to 32, Article 38, Article 44, Article 46, paragraphs (1) and (4), Articles 47 to 49, Articles 51 to 53, Article 55, Article 58, Article 59, Articles 61 to 69, Article 71, Article 72, paragraphs (1) to (3), Articles 74 to 76, Article 77, Article 80, paragraphs (1) and (3), Article 83, Article 87 (excluding the provisions for revising Article 587-2 of the Local Tax Act and Article 11 of the Supplementary Provisions), Article 89, Article 90, Article 92 (limited to

the provisions for revising Article 25 of the National Highway Act), Article 101, Article 102, Articles 105 to 107, Article 112, Article 117 (limited to the provisions for revising Article 4, paragraph 8 of the Act on Promotion of Activities for Conservation of Biodiversity to Coordination of Diversified Actors in Community (Act No. 72 of 2010)), Article 119, Article 121-2, and Article 123, paragraph (2): April 1, 2012.

Supplementary Provisions [Act No. 122 of December 14, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding two months from the date of promulgation; provided, however, that the provisions of the following items come into effect on the date specified in these items:

- (i) the provisions of Article 6, 8, 9 and 13 of the Supplementary Provisions: the date of promulgation;

Supplementary Provisions [Act No. 60 of June 21, 2013] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of the following items come into effect on the date specified in each of these items:

- (i) omitted;
- (ii) Article 4, the following Article, and Article 7 of the Supplementary Provisions,: the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

(Transitional Measures on the Partial Revision of the Environmental Impact Assessment Act)

Article 2 The provisions of the Environmental Impact Assessment Act, as revised under the provisions of Article 4 (referred to as the "new Act" below in this Article) which apply to a project for which a public notice has been issued under the provisions of Article 27 of the new Act (including cases as applied pursuant to Article 40, paragraph (2) of the new Act following the deemed replacement of terms), or a public notice prescribed in Article 31, paragraph (3) of the new Act (including as applied mutatis mutandis pursuant to the provisions of Article 32, paragraph (3) of the new Act, as applied pursuant to the provisions of Article 40, paragraph (2) of the new Act following the deemed replacement of terms) or a public notice prescribed in Article 31, paragraph (1)

of the new Act as applied mutatis mutandis pursuant to Article 32, paragraph (3) following the deemed replacement of terms (including as applied pursuant to the provisions of Article 40, paragraph (2) of the new Act following the deemed replacement of terms) is to be issued after the enforcement date of the provisions stated in item (ii) of the preceding Article, and prior laws and continue to govern other environmental impact assessment, and other procedures for projects.

(Delegation to Cabinet Order)

Article 3 In addition to what is provided for in the preceding Article, matters concerning transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 39 of May 21, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

Supplementary Provisions [Act No. 51 of June 4, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 2015; provided, however, that the provisions stated in the following items come into effect on the dates specified in each of these items:

- (i) the provisions in Article 45, and the provisions in Articles 6, 17 and 18 of the Supplementary Provisions: the day on which one year has elapsed since the date of promulgation;

Supplementary Provisions [Act No. 41 of June 10, 2020] [Extract]

(Effective Date)

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

- (i) the provisions of Article 3, Article 7, and Article 10, and the provisions of Article 4, Article 6, Article 8, Article 11, Article 13, Article 15, and Article 16 of the Supplementary Provisions: the date of promulgation.

Supplementary Provisions [Act No. 73 of June 20, 2025] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding two years from the day of promulgation; provided, however, that the provisions referred to in the following items come into effect on the dates specified in each item:

- (i) the provisions amending Article 41, paragraph (5) and the provisions of Article 3 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions amending the Table of Contents, provisions amending Article 21, paragraph (2), provisions amending Article 48, paragraph (2), provisions amending Article 49, amending provisions that amend Article 62 to Article 63 and move Articles 56 through 61 down by one Article, provisions amending Article 55, paragraph (2), amending provisions that change that Article to Article 56, provisions amending Article 54, paragraph (2), amending provisions that change that Article to Article 55, amending provisions that delete the heading before Article 53, amending provisions that change that Article to Article 54 and add a heading before that Article, amending provisions that change Article 52 to Article 53, and add an Article after Article 51, and the provisions of Article 5 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures)

Article 2 Prior laws continue to govern the procedures for a project for which an environmental impact assessment, and other procedures pursuant to the provisions of the Environmental Impact Assessment Act before amendment by this Act (referred to below as the "former Act" in this Article) have been conducted at the time of the enforcement of this Act, and for which a statement of environmental impact consideration at the planning stage and a document summarizing it has been sent under the provisions of Article 3-4, paragraph (1) of the former Act, or a statement of the environmental impact assessment method, and a document summarizing it has been sent under the provisions of Article 6, paragraph (1) of the Environmental Impact Assessment Act.

(Delegation to Cabinet Order)

Article 3 In addition to what is provided for in the preceding Article, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 4 When ten years have elapsed since the enforcement of this Act, the

government is to review the status of enforcement of the provisions amended by this Act, and take any necessary measures based on the results of that review, if the government finds it necessary.