

Measurement Act

(Act No. 51 of May 20, 1992)

The entirety of the Measurement Act (Act No. 207 of 1951) shall be revised

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to establish the standards of measurement and ensure execution of proper measurement and thereby to contribute to economic development and cultural enhancement.

(Definition, etc.)

Article 2 (1) The term "measurement" as used in this Act shall mean to measure the following items (hereinafter referred to as the "quantity of the state of physical phenomena") and the term "measurement units" shall mean the standards for measurement:

(i) Length, mass, time, electric current, temperature, amount of substance, luminous intensity, angle, solid angle, area, volume, angular velocity, angular acceleration, velocity, acceleration, frequency, rotational frequency, wave number, density, force, moment of force, pressure, stress, viscosity, kinematic viscosity, work, power, mass flow rate, flow rate, quantity of heat, thermal conductivity, specific heat capacity, entropy, quantity of electricity, electric field strength, voltage, electromotive force, capacitance, magnetic field strength, magnetomotive force, magnetic flux density, magnetic flux, inductance, electric resistance, electric conductance, impedance, active power, reactive power, apparent power, active energy, reactive energy, apparent energy, attenuation of electromagnetic wave, electric power density of electromagnetic wave, radiant intensity, luminous flux, luminance, illuminance, sound power, sound pressure level, oscillating acceleration level, concentration, neutron emission rate, radioactivity, absorbed dose, absorbed dose rate, kerma, kerma rate, exposure, exposure rate, dose equivalent or dose equivalent rate.

(ii) Linear density, specific gravity and other items specified by Cabinet Order.

(2) The term "transactions" as used in this Act shall mean any act committed in the course of business, whether with or without consideration, for the purpose

of supplying goods or services, and the term "certifications" shall mean to represent to others publicly or in the course of business that a certain fact is true.

- (3) The measurements specified by Cabinet Order for the prevention of danger to human life or property arising from the driving of vehicles or operating ships or from the handling of explosives, gases and other hazardous materials shall be deemed to be certifications for the purpose of this Act.
- (4) The term "measuring instruments" as used in this Act shall mean appliances, machines or equipment used for measurement and the term "specified measuring instruments" shall mean measuring instruments used in transactions or certifications, or among those measuring instruments principally for use in the life of general consumers, those specified by Cabinet Order as being those for which it is necessary to establish standards for their structure and instrumental error in order to ensure proper execution of measurements.
- (5) In this Act, the manufacturing of measuring instruments in this Act shall include the alterations specified by an Ordinance of the Ministry of Economy, Trade and Industry, and repair of measuring instruments shall include alterations other than those specified by said Ordinance of the Ministry of Economy, Trade and Industry.
- (6) The term "reference material" as used in this Act shall mean a material with a specified value representing the quantity of the state of a physical phenomenon specified by Cabinet Order that is used for the measurement of errors of measuring instruments for measuring the quantity of the state of the physical phenomenon.
- (7) The term "calibration of measuring instrument" as used in this Act shall mean to measure the differences between the quantity of the state of the physical phenomenon indicated by the measuring instrument and the specified quantity of the state of the physical phenomenon as the standard for such measuring instrument, which the measuring instruments designated pursuant to the provision of Article 134, paragraph 1, or the reference material manufactured by using appliances, machines or equipment designated pursuant to the provision of the same paragraph, represents.
- (8) The term "valuation of a reference material" as used in this Act shall mean to revise the value of the quantity of the state of the physical phenomenon given to the reference material by measuring the differences between that quantity of the state of the physical phenomenon and the specified quantity of the state of the physical phenomenon, as the standard for such measuring instrument, which the reference material manufactured by an appliance, machine or equipment designated pursuant to the provision of Article 134, paragraph 1, represents.

Chapter II Measurement Units

(Measurement Units pertaining to the International System of Units)

Article 3 The measurement units of the quantities of the state of physical phenomena listed in the left column of appended table 1 among the quantities of the state of the physical phenomena listed in paragraph 1, item 1 of the preceding Article shall be those listed in the right column of the same table and the definition of each of those units shall be prescribed by Cabinet Order in accordance with resolutions of the General Conference on Weights and Measures and other international decisions and practices with regard to measurement units.

(Other Measurement Units)

Article 4 (1) In addition to the measurement units prescribed in the preceding Article, the measurement units of the quantities of the state of the physical phenomena listed in the left column of appended table 2 shall be those listed in the right column of the same table and the definition of each of those measurement units shall be prescribed by Cabinet Order.

(2) In addition to the measurement units prescribed in the preceding Article, the measurement units of the quantities of the state of the physical phenomena listed in the left column of appended table 3 shall be those listed in the right column of the same table and the definition of each of those measurement units shall be prescribed by Cabinet Order.

Article 5 (1) In addition to the measurement units prescribed in Article 3 and Article 4, measurement units of their decimal-multiples and sub-multiples and their definitions shall be prescribed by Cabinet Order.

(2) In addition to the measurement units prescribed in Article 3, Article 4 and the preceding paragraph, the measurement units for length measurements at the sea level as well as the measurement units of length, mass, angle, area, volume, velocity, acceleration, pressure, and quantity of heat used for special measurements specified by Cabinet Order shall be prescribed by Cabinet Order.

(Measurement Units of Linear Density, etc.)

Article 6 The measurement units of the quantities of the state of the physical phenomena listed in Article 2, paragraph 1, item 2 and their definitions shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Symbols)

Article 7 The standard symbols of the measurement units prescribed in Article 3

through the preceding Article shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Prohibition on the Use of Non-Statutory Measurement Units)

Article 8 (1) Measurement units other than the measurement units prescribed in Article 3 through Article 5 (the measurement units prescribed in Article 3 through Article 5 shall be hereinafter referred to as "statutory measurement units" and all other measurement units shall be hereinafter referred to as "non-statutory measurement units") shall not be used for transactions or certifications pertaining to quantities of the state of the physical phenomena listed in Article 2, paragraph 1, item 1.

(2) The measurement units specified in the Cabinet Order set forth in Article 5, paragraph 2 shall not be used for transactions or certifications unless such transactions or certifications pertain to the special measurements specified by the Cabinet Order set out in the same paragraph.

(3) The preceding two paragraphs shall not apply to the following transactions or certifications:

(i) Transactions or certifications pertaining to goods to be exported.

(ii) Transactions or certifications pertaining to the import of goods.

(iii) Transactions or certifications specified by Cabinet Order and conducted between persons with no address or residence in Japan or those other persons specified by Cabinet Order, or between said persons and others.

(Measuring Instruments Graduated with Non-Statutory Measurement Units)

Article 9 (1) Measuring instruments used for the measurement of the quantity of the state of the physical phenomena listed in Article 2, paragraph 1, item 1 and graduated or marked with non-statutory measurement units shall not be sold or displayed for the purpose of sale. The same shall apply to the measuring instruments graduated or marked with measurement units specified by the Cabinet Order set out in Article 5, paragraph 2 other than those specified by the Ordinance of the Ministry of Economy, Trade and Industry as those exclusively used for special measurements specified by the Cabinet Order set out in the same paragraph.

(2) The provisions of the preceding paragraph shall not apply to measuring instruments to be exported and others specified by Cabinet Order.

Chapter III Execution of Proper Measurement

Section 1 Accurate Measurement

Article 10 (1) Any person involved in the measurement of the quantity of the state of the physical phenomena in statutory measurement units when

conducting transactions or certifications shall endeavor to execute accurate measurements.

- (2) The prefectural governor, or the head of the municipality or special ward specified by Cabinet Order (hereinafter collectively referred to as "specified municipality") may, when he/she finds that a person as referred to in the preceding paragraph is not complying with the provision of the same paragraph resulting in creating a considerable impediment to proper measurements, recommend such person to take necessary measures; provided, however, that this shall not apply to the case where he/she may issue a recommendation pursuant to the provisions of Article 15, paragraph 1.
- (3) If the prefectural governor or the head of the specified municipality has issued a recommendation pursuant to the provision of the preceding paragraph and the person who received such recommendation fails to follow the recommendation, the prefectural governor or the head of the specified municipality may publicly announce such fact.

Section 2 Measurement pertaining to Sale of Commodities

(Clear Indication of Length, etc.)

Article 11 A person engaged in the business of selling commodities suitable for sale on the basis of their measured length, mass or volume shall endeavor to clearly indicate their length, mass or volume in statutory measurement units when selling such commodities.

(Measurement of Specified Commodities)

Article 12 (1) When a person engaged in the business of selling the commodities specified by Cabinet Order (hereinafter referred to as "specified commodities") sells the specified commodities indicating the specified physical phenomena quantity of the same (referred to as Cabinet Order-specified state of physical phenomena quantity for each commodity; the same shall apply hereinafter) in statutory measurement units, such person shall measure the specified physical phenomena quantity of such commodities so as not to exceed the measurement error level specified by Cabinet Order (hereinafter referred to as the "quantity tolerance").

- (2) When a person engaged in the business of sale of specified commodities specified by Cabinet Order sells such specified commodities in a container, the person shall indicate the quantity of the state of the specified physical phenomena in statutory measurement units on each such container pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry.
- (3) The preceding two paragraphs shall not apply to the quantities of the state of

the physical phenomena indicated pursuant to paragraph 1 or 2 of the following Article, or paragraph 1 or 2 of Article 14; provided, however, that this shall not apply to the case where the container or the package or any seal affixed thereto has been broken.

(Indication of the Quantity of the State of Physical Phenomena pertaining to Sealed-Up Specified Commodities)

Article 13 (1) When a person engaged in the business of sale of specified commodities specified by Cabinet Order performs the sealing (an act to prevent any increase or decrease in the quantity of the state of the physical phenomena of a commodity unless the container, package, or any seal affixed thereto for the commodity has been broken; the same shall apply hereinafter) of the specified commodities as to the quantity of the state of the specified physical phenomena, he/she shall measure the quantity of the state of the specified physical phenomena of their commodities without causing a measurement error to exceed the quantity tolerance and affix such indication on such container or package pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry.

(2) When a person engaged in the business of sale of specified commodities other than the specified commodities specified by the Cabinet Order set forth in the preceding paragraph performs the sealing of their specified commodities with regard to the quantity of the state of the physical phenomena and indicates such quantity in statutory measurement units on said container or package, the person shall measure the quantity of the state of the specified physical phenomena of their commodities without causing measurement errors to exceed the quantity tolerance, and such indication shall be made pursuant to the Ordinance of the Ministry of Economy, Trade and Industry set forth in the same paragraph.

(3) The indication pursuant to the provisions of the two preceding paragraphs shall include the name or title as well as the address of the person who affixes such indication.

(Indication of Quantity of the State of Specified Physical Phenomena pertaining to Imported Specified Commodities)

Article 14 (1) When a person engaged in the business of the import of specified commodities specified by the Cabinet Order set forth in paragraph 1 of the preceding Article imports and sells such specified commodities that have been sealed as to the quantity of the state of the specified physical phenomena, he/she shall sell such specified commodities in such container or package bearing an indication of the quantity of the state of the specified physical phenomena that have been measured so as not to exceed the quantity tolerance,

pursuant to the provision of the Ordinance of the Ministry of Economy set forth in the same paragraph..

- (2) The provision of the preceding paragraph shall apply mutatis mutandis to the case where a person engaged in the business of the import of specified commodities other than the specified commodities specified by the Cabinet Order set forth in paragraph 1 of the preceding Article imports and sells such specified commodities that have been sealed up regarding the quantity of the state of the specified physical phenomena by putting them into a container or a package bearing an indication of such quantity of the state of the specified physical phenomena represented in statutory measurement units.
- (3) The provision of paragraph 3 of the preceding Article shall apply mutatis mutandis to the indication pursuant to the provisions of the two preceding paragraphs. In this case, the "person who affixes such indication" in paragraph 3 of the same Article shall be deemed to be replaced with the "person engaged in the business of import."

(Recommendations, etc.)

- Article 15 (1) When a prefectural governor or head of a specified municipality finds there exists a risk of harm to the interests of persons who purchase specified commodities due to non-compliance with paragraph 1 or 2 of Article 12 by a person prescribed in the same provisions, or due to non-compliance with paragraph 1 or 2 of Article 13 by a person prescribed in the same provisions, or due to non-compliance with paragraph 1 or 2 of the preceding Article by a person prescribed in the same provisions, then he/she may issue a recommendation to such a person recommending the taking of certain necessary measures.
- (2) In the case where the prefectural governor or the head of the specified municipality has issued a recommendation pursuant to the provision of preceding paragraph and the person who received such recommendation fails to comply with the recommendation, the prefectural governor or the head of the specified municipality may publicly announce such fact.
 - (3) When a person who has received a recommendation pursuant to the provision of paragraph 1 due to his/her non-compliance with paragraph 1 or 2 of Article 12 or paragraph 1 or 2 of Article 13 fails to take necessary measures pertaining to such recommendation without justifiable grounds, the prefectural governor or the head of the specified municipality may order such person to take necessary measures pertaining to the recommendation.

Section 3 Use of Measuring Instruments

(Restriction on Use)

Article 16 (1) Any of the following items (excluding ships whose draft is used for measuring the mass of loaded goods and other measuring instruments specified by Cabinet Order) shall not be used or possessed for use for the purpose of measurements (including measurements of the quantity of the state of physical phenomena listed in Article 2, paragraph 1, item 2 and specified by Cabinet Order using measurement units specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 6. The same shall apply in Article 18, Article 19, paragraph 1 and Article 151, paragraph 1) in statutory measurement units when conducting transactions or certifications.

(i) Non-measurement instruments

(ii) Specified measuring instruments other than the following:

(a) Specified measuring instruments bearing the verification mark set forth in Article 72, paragraph 1 certifying the passage of a verification test executed by the Minister of Economy, Trade and Industry, or the prefectural governor, or Japan Electric Meters Inspection Corporation, or a person designated by the Minister of Economy, Trade and Industry (hereinafter referred to as a "designated verification body").

(b) Specified measuring instruments manufactured by a person designated by the Minister of Economy, Trade and Industry bearing the indication set forth in Article 96, paragraph 1 (including the cases where it is applied *mutatis mutandis* pursuant to Article 101, paragraph 3; the same shall apply in the following paragraph).

(iii) Specified measuring instruments specified by the Cabinet Order set forth in Article 72, paragraph 2 bearing the verification mark set forth in paragraph 1 of the same Article or the indication set forth in Article 96, paragraph 1 (hereinafter referred to as a "verification mark, etc."), the valid period of which, however, has expired.

(2) An electric meter (a specified measuring instrument specified by Cabinet Order and used for measurements in statutory measurement units in relation to transactions or certifications of electricity; the same shall apply hereinafter) shall not be used or possessed for use, together with a transformer, for the purpose of measurements in statutory measurement units with regard to transactions or certifications, except when the electric meter bears a matching number set forth in Article 74, paragraph 2 or 3 (hereinafter referred to simply as a "matching number" in the paragraph) certifying the passage of an inspection by the Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation, or a designated verification body covering electric meters to be used together with transformers (hereinafter referred to as an "electric meter with transformer inspection") and is used together with a transformer with the same matching number.

(3) A specified measuring instrument fitted to vehicles or other machinery and

specified by Cabinet Order (hereinafter referred to as a "measuring instrument for fitting to vehicles, etc.") shall not be used or possessed for use for the purpose of measurements in statutory measurement units with regard to transactions or certifications, unless that specified measuring instrument bears a fitting inspection mark (limited to those valid period of which has not expired) set forth in Article 75, paragraph 2 certifying the passage of an inspection by the Minister of Economy, Trade and Industry, the prefectural governor, or the designated verification body by which specified measuring instruments are inspected after being fitted to the machinery (hereinafter referred to as a "fitting inspection").

(Use of Special Container)

Article 17 (1) The provisions of paragraph 1 of the preceding Article shall not apply to a special container belonging to any of the types specified by the Ordinance of the Ministry of Economy, Trade and Industry (a transparent or semi-transparent container specified by the Ordinance of the Ministry of Economy, Trade and Industry; the same shall apply hereinafter) that was manufactured by a person designated by the Minister of Economy, Trade and Industry and bears the indication set forth in Article 63, paragraph 1 (including the cases where it is applied pursuant to Article 69, paragraph 1; the same shall apply in the following paragraph), if a commodity specified by Cabinet Order is filled up into that special container to the height designated by the Ordinance of the Ministry of Economy, Trade and Industry to indicate its volume in statutory measurement units when sold.

(2) If a commodity pertaining to a special container is put into the special container bearing the indication set forth in Article 63, paragraph 1 but not to the height specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in the preceding paragraph, that commodity shall not be sold; provided, however, that this shall not apply to the case where there is an explicit indication that that commodity is sold not by the volume indicated pursuant to the provision of paragraph 2 of the same Article (including the cases where it is applied mutatis mutandis pursuant to Article 69, paragraph 1).

(Restriction on How to Use Certain Measuring instruments)

Article 18 Measuring instruments specified by Cabinet Order by which an accurate measurement cannot be made unless they are used in accordance with a specific method, or for measuring a specific item, or within a certain range of measurement shall not be used for measurements in statutory measurement units in conducting transactions or certifications, except in the case where they are used pursuant to the provision of Cabinet Order.

Section 4 Periodic Inspection

(Periodic Inspection)

Article 19 (1) A person who uses, for measurements in statutory measurement units in conducting transactions or certifications, a specified measuring instrument specified by Cabinet Order (excluding those specified by Cabinet Order set forth in Article 16, paragraph 1 or Article 72, paragraph 2) which is deemed to be appropriate to be inspected on a regular basis pertaining to its performance and instrumental error in consideration of its structure, conditions for use, actual use status, etc. shall place the specified measuring instrument under a periodic inspection conducted by the prefectural governor (or the head of the specified municipality, if the person's place of business is located in such a specified municipality) having jurisdiction over the location of the person's place of business (or the person's domicile, if the person has no place of business; hereinafter the same shall apply in this Section); provided, however, that this shall not apply to the following specified measuring instruments:

- (i) A specified measuring instrument used by a person who has obtained a registration set forth in Article 107 for the purpose of certifications related to measurements (hereinafter referred to as "measurement certifications").
 - (ii) A specified measuring instrument (excluding what is listed in the preceding item) used by a person who has received a designation set forth in Article 127, paragraph 1 at his/her place of business pertaining to such designation.
 - (iii) A specified measuring instrument (except those listed in the preceding two paragraphs) affixed with a periodic inspection mark set forth in Article 24, paragraph 1, verification mark, or measurement certification inspection mark set forth in Article 109, paragraph 1 whose fixed period, specified by Cabinet Order for each type of specified measuring instruments has not passed, as of date of execution of a periodic inspection publicly notified pursuant to the provisions of Article 21, paragraph 2 (hereinafter referred to as an "execution date"), since the first day of the following month from the year and month indicated on the mark (limited to those indicated pursuant to the provision of Article 72, paragraph 3 or Article 96, paragraph 3, in the case of year and month indicated on a verification mark, etc.).
- (2) A person who received a designation set forth in Article 127, paragraph 1 shall have a certified measurer prescribed in Article 128, paragraph 1 to once inspect during the period specified by the Cabinet Order set forth in Article 21, paragraph 1, whether his/her specified measuring instruments (excluding those listed in the preceding paragraph, item 1) specified by the Cabinet Order set forth in the preceding paragraph that are used in the place of business

pertaining to the designation, conform to each of items of Article 23, paragraph 1 in accordance with procedures specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth Article 23, paragraph 2 and 3.

(Designated Periodic Inspection Bodies)

Article 20 (1) The prefectural governor or the head of the specified municipality may have a designated person (hereinafter referred to as a "designated periodic inspection body") execute a periodic inspection.

(2) When the prefectural governor or the head of the specified municipality has a designated periodic inspection body execute the service of a periodic inspection (hereinafter referred to as "inspection service" in this Chapter) in whole or in part pursuant to the provision of the preceding paragraph, he/she shall refrain from executing said inspection service in whole or in part.

(Timing of Execution of Periodic Inspection, etc.)

Article 21 (1) A periodic inspection shall be conducted once during a period of one year or longer specified by Cabinet Order for each measuring instrument and each area.

(2) The prefectural governor or the head of the specified municipality shall, not later than one month prior to each periodic inspection, publicly notify the area to be covered, the specified measuring instruments to be inspected, the time and place of the inspection, and, if the periodic inspection is executed by a designated periodic inspection body, the name of such designated periodic inspection body.

(3) If a person is unable to receive a periodic inspection on a designated execution date for illness, trip or other compelling reasons, and has notified in advance the prefectural governor or the head of the specified municipality thereof, the periodic inspection of the specified measuring instruments pertaining to such notification shall be conducted, within a period not exceeding one month from the day of such notification, on a date and at a place designated by the prefectural governor or the head of the specified municipality.

(Preliminary Survey)

Article 22 When the prefectural governor has issued a public notification concerning the implementation of a periodic inspection pursuant to the provision of paragraph 2 of the preceding Article, the head of each municipality in the area to be covered by the periodic inspection shall survey the number of specified measuring instruments subject to the periodic inspection and report to the prefectural governor thereof pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry.

(Criteria for Passing a Periodic Inspection)

Article 23 (1) A specified measuring instrument shall pass a periodic inspection if it conforms to each of the following items:

- (i) The specified measuring instrument is affixed with a verification mark, etc.
 - (ii) The performance of the specified measuring instrument conforms to the technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.
 - (iii) Instrumental error of the specified measuring instrument does not exceed the tolerance for use specified by the Ordinance the Ministry of Economy, Trade and Industry.
- (2) The conformity to item 2 of the preceding paragraph shall be determined by the method specified by the Ordinance the Ministry of Economy, Trade and Industry.
- (3) The conformity to the preceding paragraph 1, item 3 shall be determined by the method specified by the Ordinance the Ministry of Economy, Trade and Industry and by using a measuring instrument which has passed an inspection of verification standards set forth in Article 102, paragraph 1 (as to instrumental error of specified measuring instruments specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph 3, reference material specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in the same paragraph).

(Periodic Inspection Mark, etc.)

Article 24 (1) Each specified measuring instrument which has passed a periodic inspection shall be affixed with a periodic inspection mark pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry.

- (2) A periodic inspection mark set forth in the preceding paragraph shall indicate the year and month of the periodic inspection.
- (3) A verification mark, etc. affixed on a specified measuring instrument which has failed a periodic inspection shall be removed.

(Inspection by Certified Measurer in lieu of Periodic Inspection)

Article 25 (1) In case where a specified measuring instrument that is required to undergo a periodic inspection pursuant to the provision of Article 19, paragraph 1 has been inspected by a certified measurer specified by the Ordinance of the Ministry of Economy, Trade and Industry for each type of specified measuring instruments by the method specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 23, paragraphs 2 and 3, within the period specified by the Cabinet Order set forth in Article 19, paragraph 1, item 3 prior to the day of the periodic inspection and bears an indication affixed by such certified measurer pursuant to the

provision of paragraph 3, if a person using such specified measuring instrument has notified, prior to the day of the periodic inspection, the prefectural governor or the head of the specified municipality having jurisdiction over the location of his/her place of business of such fact, said specified measuring instrument shall not be required to undergo a periodic inspection notwithstanding the provisions of the same Article.

- (2) The notification pursuant to the provision of the preceding paragraph shall be made together with a certification issued pursuant to the provisions of the following paragraph pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry.
- (3) When a certified measurer has certified, through an inspection set forth in paragraph 1, that a specified measuring instrument conforms to each item of Article 23, paragraph 1, he/she may, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry, issue a certificate stating thereof to a person using the specified measuring instrument and affix an indication and the year and the month of the inspection on the specified measuring instrument by the method specified by the Ordinance of the Ministry of Economy, Trade and Industry.

Section 5 Designated Periodic Inspection Bodies

(Designation)

Article 26 A designation set forth in Article 20, paragraph 1 shall be made upon an application from a person who intends to perform inspection services pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry.

(Disqualification)

Article 27 Any person who falls under any of the following items may not receive a designation set forth in Article 20, paragraph 1:

- (i) A person who has been sentenced to a fine or severer punishment by violating this Act or any order pursuant to this Act, and two years have not passed from the date on which the enforcement of such punishment has been completed or has become not applicable..
- (ii) A person whose designation has been rescinded pursuant to the provision of Article 38, and two years have not passed from the day of such rescission.
- (iii) A juridical person with an operating officer who falls under either of the preceding two paragraphs.

(Criteria for Designation)

Article 28 The prefectural governor or the head of the specified municipality

shall not make a designation unless he/she finds that an application for designation set forth in Article 20, paragraph 1 conforms to each of the following items:

- (i) A periodic inspection is executed by using appliances, machines or equipment specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- (ii) A periodic inspection is executed by those with the knowledge and experience required by the Ordinance of the Ministry of Economy, Trade and Industry, and the number of such persons is not less than the number specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- (iii) In the case of a juridical person, the organization of its officers or members specified by the Ordinance of the Ministry of Economy, Trade and Industry for each type of juridical persons is not likely to adversely affect fair implementation of a periodic inspection.
- (iv) In addition to what is provided for in the preceding paragraph, the juridical person conforms to other criteria specified by the Ordinance of the Ministry of Economy, Trade and Industry as those that are unlikely to cause any unfair periodic inspection.
- (v) The applicant has a financial basis necessary for an appropriate and smooth inspection service.
- (vi) Granting of a designation herein does not result in the impediment to an appropriate and smooth implementation of a periodic inspection pertaining to the application for the designation.

(Renewal of Designation)

Article 28-2 (1) A designation set forth in Article 20, paragraph 1 shall cease to be effective upon expiration of a period of not less than three years specified by Cabinet Order unless renewed at each such time.

(2) The preceding three Articles shall apply mutatis mutandis to the case where a designation has been renewed in accordance with the preceding paragraph.

(Method of Periodic Inspection)

Article 29 A designated periodic inspection body shall, in implementing a periodic inspection, use appliances, machines or equipment prescribed in Article 28, item 1 and make a person prescribed by item 2 of the same Article perform the periodic inspection.

(Service Rules)

Article 30 (1) A designated periodic inspection body shall establish rules concerning inspection services (hereinafter referred to as "service rules") and obtain approval thereof from the prefectural governor or the head of the

specified municipality. The same shall apply when it intends to amend the service rules.

- (2) The matters to be provided for in service rules shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.
- (3) The prefectural governor or the head of the specified municipality may, when it finds that service rules approved under paragraph 1 have become inappropriate for fair implementation of periodic inspections, order the alteration of such service rules.

(Bookkeeping)

Article 31 A designated periodic inspection body shall, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry, prepare books, enter in the books the matters concerning periodic inspections specified by the Ordinance of the Ministry of Economy, Trade and Industry, and keep such books.

(Suspension and Abolishment of Services)

Article 32 When a designated periodic inspection body intends to suspend or abolish its inspection services in whole or in part, it shall, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry, notify the prefectural governor or the head of specified municipality thereof in advance.

(Business Plan, etc.)

- Article 33 (1) A designated periodic inspection body shall, prior to the commencement of each business year, prepare and submit to the prefectural governor or the head of the specified municipality a business plan, a revenue and expenditure budget for the business year. The same shall apply when a designated periodic inspection body intends to amend them.
- (2) A designated periodic inspection body shall, within three months from the end of each business year, prepare and submit to the prefectural governor or the head of the specified municipality a business report and financial statements for the business year.

Article 34 Deleted

(Dismissal Order)

Article 35 When a person prescribed in Article 28, paragraph 2 has violated any provision of this Act, of any order pursuant to this Act or of service rules, the prefectural governor or the head of the specified municipality may order the designated periodic inspection body to dismiss the person prescribed in the

same paragraph.

(Status of Officers and Employees)

Article 36 With regard to the application of the Criminal Code (Act No. 45 of 1907) and any other penal provisions, officers and employees of a designated periodic inspection body shall be deemed to be officials engaged in public services as required by laws and regulations.

(Order for Compliance)

Article 37 The prefectural governor or the head of the specified municipality may, when he/she finds that a designated periodic inspection body has become noncompliant with items 1 through 5 of Article 28, order the designated periodic inspection body to take necessary measures for compliance therewith.

(Rescission of Designation, etc.)

Article 38 The prefectural governor or the head of the specified municipality may, when a designated periodic inspection body falls under any of the following items, rescind its designation, or order the suspension of inspection services in whole or in part for a fixed period of time:

- (i) The designated periodic inspection body has violated any provision of this Section.
- (ii) The designated periodic inspection body has fallen under item 1 or 3 of Article 27.
- (iii) The designated periodic inspection body has conducted a periodic inspection not pursuant to its service rules to which an approval set forth in Article 30, paragraph 1 has been granted.
- (iv) The designated periodic inspection body has violated an order pursuant to the provision of Article 30, paragraph 3, Article 35, or the preceding Article.
- (v) The designated periodic inspection body has obtained a designation set forth in Article 20, paragraph 1 by wrongful means.

(Implementation of Inspection Services by Prefectural Governor, etc.)

Article 39 (1) When the prefectural governor or the head of the specified municipality has been notified by a designated periodic inspection body of its suspension of its inspection services in whole or in part pursuant to the provision of Article 32, when the prefectural governor or the head of the specified municipality has ordered, pursuant to the provisions of the preceding paragraph, a designated periodic inspection body to suspend its inspection services in whole or in part, or when it has become difficult for a designated periodic inspection body to execute its inspection services in whole or in part due to a natural disaster or for other reasons, he/she shall execute the

inspection services in whole or in part him/herself if he/she finds it necessary.

(2) Where the prefectural governor or the head of the specified municipality implements the inspection services in whole or in part him/herself pursuant to the provision of the preceding paragraph, when the prefectural governor or the head of the specified municipality has been notified by a designated periodic inspection body of the abolishment of its inspection services in whole or in part pursuant to the provision of Article 32, or when the prefectural governor or the head of the specified municipality has rescinded a designation as a designated periodic inspection body pursuant to the provision of the preceding Article, handover procedures concerning inspection services and other necessary matters shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

Chapter IV Supply of Accurate Specified Measuring Instruments

Section 1 Manufacture

(Notification of Business)

Article 40 (1) Any person who intends to engage in the business of manufacturing specified measuring instruments (excluding those who intend to engage in the business of manufacturing specified measuring instruments used by him/herself exclusively for purposes other than measurements with regard to transactions and certifications) shall notify, in accordance with the business classification specified by the Ordinance of the Ministry of Economy, Trade and Industry (simply referred to as a "business classification" in item 2), the Minister of Economy, Trade and Industry of the following matters in advance:

- (i) Name and address, and, in the case of a juridical person, name of its representative
- (ii) Business classification
- (iii) Name and location of factory or workplace where said specified measuring instruments are to be manufactured
- (iv) Name, performance and number of appliances, machines and equipment specified by the Ordinance of the Minister of the Ministry of Economy, Trade and Industry that are used to inspect said specified measuring instruments

(2) A notification pursuant to the provision of the preceding paragraph pertaining to specified measuring instruments other than electric meters shall be made through the prefectural governor pursuant to the provision of the Ordinance of the Minister of the Ministry of Economy, Trade and Industry.

(Succession)

Article 41 When a person who has made a notification pursuant to the provision of paragraph 1 of the preceding Article (hereinafter referred to as a "notifying

manufacturing business operator") transfers the entire business to which the notification pertains or when inheritance, or merger or split (limited to successions of the entire business to which the notification pertains) has occurred with respect to a notifying manufacturing business operator, the person or heir (or, in the case where there are two or more heirs, the heir who has been selected by all heirs to succeed to the business; the same shall apply hereinafter) succeeding to the entire business, the surviving juridical person after the merger, the newly established juridical person through the merger, or the juridical person succeeding to the entire business through the split, shall succeed to status of the notifying manufacturing business operator.

(Notification of Change, etc.)

- Article 42 (1) A notifying manufacturing business operator shall notify the Minister of Economy, Trade and Industry of any change in the matters set forth in Article 40, paragraph 1, item 1, 3 or 4 without delay.
- (2) In the case of the preceding paragraph, a person who has succeeded the status of the notifying manufacturing business operator pursuant to the provision of the preceding Article shall submit a document certifying such fact.
- (3) The provision of Article 40, paragraph 2 shall apply mutatis mutandis to notification pursuant to the provision of paragraph 1 of this Article.

(Duty to Inspect)

Article 43 When a notifying manufacturing business operator has manufactured specified measuring instruments the notifying manufacturing business operator shall inspect said specified measuring instruments in accordance with the criteria specified by the Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply to the case where a person who has received a designation set forth in Article 16, paragraph 1, item 2-(b) conducts an inspection pursuant to the provisions of Article 95, paragraph 2.

(Order for Improvement)

Article 44 The Minister of Economy, Trade and Industry may, when he/she finds that a notifying manufacturing business operator is not performing the inspection of specified measuring instruments in accordance with the criteria specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in the preceding Article and that it is necessary for ensuring proper quality of said specified measuring instruments, order the notifying manufacturing business operator to take necessary measures to improve inspection appliances, machines or equipment, or inspection methods for said specified measuring instruments; provided, however, that this shall not apply

to the case of the proviso to the preceding Article.

(Notification of Abolishment)

Article 45 (1) When a notifying manufacturing business operator has abolished the business pertaining to the notification, the notifying manufacturing business operator shall notify the Minister of Economy, Trade and Industry thereof without delay.

(2) The provision of Article 40, paragraph 2 shall apply mutatis mutandis to notification pursuant to the provision of the preceding paragraph.

Section 2 Repair

(Notification of Business)

Article 46 (1) Any person (excluding those who intend to engage in the business of repairing specified measuring instruments used by themselves exclusively for purposes other than measurements with regard to transactions and certifications) who intends to engage in the business of repairing specified measuring instruments (excluding minor repair works specified by the Ordinance of the Ministry of Economy, Trade and Industry; the same shall apply hereinafter except in Article 49, paragraph 3) shall notify, in accordance with the business classification specified by the Ordinance of the Ministry of Economy, Trade and Industry (simply referred to as a "business classification" in item 2), the Minister of the Ministry of Economy, Trade and Industry in the case of business pertaining to repairing of electric meters, or the prefectural governor having jurisdiction over the location of the person's place of business where the person intends to engage in the business of repairing specified measuring instruments in the case of business pertaining to repairing other specified measuring instruments; provided, however, that this shall not apply to the case where the notifying manufacturing business operator intends to engage in the business of repairing specified measuring instruments pertaining to the notification pursuant to the provision of Article 40, paragraph 1.

(i) Name and address, and in the case of a juridical person, name of its representative

(ii) Business classification

(iii) Name and location of the place of business where the repairing of specified measuring instruments is to be conducted

(iv) Name, performance and number of appliances, machines and equipment specified by the Ordinance of the Ministry of Economy, Trade and Industry that are used to inspect said specified measuring instruments

(2) The provisions of Article 41, Article 42, paragraphs 1 and 2 and paragraph 1 of the preceding Article shall apply mutatis mutandis to a person who has

made notification pursuant to the provision of the preceding paragraph (hereinafter referred to as a "notifying repair business operator"). In this case, the term "the Minister of Economy, Trade and Industry" in Article 42, paragraph 1 and paragraph 1 of the preceding Article shall be deemed to be replaced with "the prefectural governor (or the Minister of Economy, Trade and Industry, in the case of a notifying repair business operator engaged in repairing electric meters)."

(Duty to Inspect)

Article 47 When a notifying manufacturing business operator or a notifying repair business operator has repaired specified measuring instruments he/she shall inspect said specified measuring instruments in accordance with the criteria specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(Order for Improvement)

Article 48 The Minister of Economy, Trade and Industry or the prefectural governor may, when he/she finds that a notifying manufacturing business operator or a notifying repair business operator is not performing the inspection of specified measuring instruments in accordance with the criteria specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in the preceding Article and that it is necessary for ensuring proper quality of said specified measuring instruments order the notifying manufacturing business operator or the notifying repair business operator to take necessary measures to improve inspection appliances, machines or equipment, or inspection methods for said specified measuring instruments

(Removal of Verification Mark, etc.)

Article 49 (1) Any person who has performed a alteration (limited to the kind of alterations specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 2, paragraph 5; the same shall apply in the next paragraph.) or a repair of a specified measuring instrument affixed with a verification mark, etc. matching number set forth in Article 74, paragraph 2 or 3, or fitting inspection mark set forth in Article 75, paragraph 2 shall remove such a verification mark, etc., matching number or fitting inspection mark; provided, however, that this shall not apply to the case where a notifying manufacturing business operator or notifying repair business operator has performed a repair of said specified measuring instrument, or where a person who has obtained a designation set forth in Article 127, paragraph 1 has performed a repair specified by the Ordinance of the Ministry of Economy, Trade and Industry of a specified measuring instrument used at his/her place

of business pertaining to the designation, if the performance of such a repaired specified measuring instrument conforms to the technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry and the instrumental error of such a repaired specified measuring instrument does not exceed the tolerance for use specified by the Ordinance of the Ministry of Economy, Trade and Industry.

- (2) Any person who has altered or repaired a specified measuring instrument affixed with an indication set forth in Article 84, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 84, paragraph 4) shall remove such indication; provided, however, that this shall not apply to the case where a notifying manufacturing business operator or notifying repair business operator has performed a repair of said specified measuring instrument, or where a person who has obtained a designation set forth in Article 127, paragraph 1 has performed repair specified by the Ordinance of the Ministry of Economy, Trade and Industry of a specified measuring instrument used at his/her place of business pertaining to the designation.
- (3) When a person engaged in the business of manufacturing or repairing transformers has performed a alteration or repair (excluding minor repair works specified by the Ordinance of the Ministry of Economy, Trade and Industry) of a transformer affixed with a matching number set forth in Article 74, paragraph 2, he/she shall remove the matching number.

(Repair pertaining to Specified Measuring Instruments with Valid Period)

- Article 50 (1) When a notifying manufacturing business operator or a notifying repair business operator has performed repairs, in accordance with the criteria specified by the Ordinance of the Ministry of Economy, Trade and Industry, a specified measuring instrument specified by the Cabinet Order set forth in Article 72, paragraph 2 and specified by Cabinet Order as the one requiring periodic repair at a certain interval of time, the notifying manufacturing business operator or the notifying repair business operator may affix, pursuant to the provisions of the Ordinance of the Ministry of Economy, Trade and Industry, an indication thereof to the specified measuring instrument.
- (2) The indication set forth in the preceding paragraph shall include the year of such repair.
 - (3) No person shall affix to any specified measuring instrument an indication set forth in paragraph 1 or any indication that is confusingly similar thereto, except in the case prescribed in the same paragraph.

Section 3 Sale

(Notification of Business)

Article 51 (1) Any person who intends to engage in the business of sale (excluding sales for export) of specified measuring instruments specified by Cabinet Order shall notify, in accordance with the business classification specified by the Ordinance of the Ministry of Economy, Trade and Industry (simply referred to as a "business classification" in item 2), the following matters in advance to the prefectural governor having jurisdiction over the location of the person's place of business; provided, however, that this shall not apply to the case where a notifying manufacturing business operator or a notifying repair business operator intends to engage in the business of sale of specified measuring instruments pertaining to the notification pursuant to the provision of Article 40, paragraph 1 or Article 46, paragraph 1 which were manufactured or repaired by the person.

(i) Name and address, and, in the case of a juridical person, name of its representative

(ii) Business classification

(iii) Name and location of the place of business where said specified measuring instruments are to be sold

(2) The provisions of Article 41, Article 42, paragraphs 1 and 2, and Article 45, paragraph 1 shall apply mutatis mutandis to a person who has made notification pursuant to the provision of the preceding paragraph. In this case, the term "the Minister of Economy, Trade and Industry" in Article 42, paragraph 1 and Article 45, paragraph 1 shall be deemed to be replaced with "the prefectural governor."

(Matters to Be Observed)

Article 52 (1) The Minister of Economy, Trade and Industry may, by the Ordinance of the Ministry of Economy, Trade and Industry, provide for the matters to be observed by a person engaged in the business of sale of specified measuring instruments specified by an Cabinet Order set forth in paragraph 1 of the preceding Article (hereinafter referred to as a "sales business operator").

(2) The prefectural governor may, when he/she finds that a sales business operator is not complying with the matters to be observed specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in the preceding Article resulting in creating an impediment to the assurance of proper measurements pertaining to said specified measuring instruments, recommend the sales business operator to comply therewith.

(3) The prefectural governor may, when he/she issued a recommendation pursuant to the provision of the preceding paragraph and the person who received such recommendation failed to follow the recommendation, publicly announce such fact.

(4) When a sales business operator who has received a recommendation pursuant

to the provision of paragraph 2 due to his/her non-compliance with the matters specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in paragraph 1 fails to take necessary measures pertaining to such recommendation without justifiable grounds, the prefectural governor may, when he/she finds it specifically necessary, order the sales business operator to take such necessary measures pertaining to the recommendation.

Section 4 Special Measuring Instruments

(Obligation of Conformity to Manufacturing Standards, etc.)

Article 53 (1) A notifying manufacturing business operator producing specified measuring instruments specified by Cabinet Order that are primarily supplied for daily use by general consumers (excluding specified measuring instruments specified by the Cabinet Order set forth mentioned in Article 57, paragraph 1) shall manufacture said specified measuring instruments so as to conform to technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply to cases where the notifying manufacturing business operator manufactures said specified measuring instruments for the purpose of export and has notified the prefectural governor thereof in advance, and where the notifying manufacturing business operator manufactures said specified measuring instruments on a pilot production basis.

(2) Any person engaged in the business of importing specified measuring instruments specified by the Cabinet Order set forth in the preceding paragraph shall sell said specified measuring instruments only that conform to technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in the same paragraph; provided, however, this shall not apply to the case where the person sells said specified measuring instruments for the purpose of export and has notified the prefectural governor thereof in advance.

(Indication)

Article 54 (1) Any notifying manufacturing business operator prescribed in paragraph 1 of the preceding Article or any person prescribed in paragraph 2 of the same Article shall, prior to the time when said specified measuring instruments are sold, affix an indication thereto pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry.

(2) The provision of the preceding paragraph shall not apply to specified measuring instruments manufactured or sold pursuant to the provision of the proviso to paragraph 1 or the proviso to paragraph 2 of the preceding Article, and to specified measuring instruments affixed with a verification mark, etc.

- (3) No person shall affix to the specified measuring instruments an indication set forth in paragraph 1 or any indication that is confusingly similar thereto, except in the case prescribed in the same paragraph.

Article 55 Any person engaged in the business of sale of specified measuring instruments specified by the Cabinet Order set forth in Article 53, paragraph 1 (excluding the business of sales of specified measuring instruments manufactured by notifying manufacturing business operators prescribed in the same paragraph or of specified measuring instruments imported by persons prescribed in paragraph 2 of the same Article) shall not sell or display for sale said measuring instruments without an indication under paragraph 1 of the preceding Article or a verification mark, etc.; provided, however, that this shall not apply to the case where a person who intends to sell the specified measuring instruments for the purpose of export has notified the prefectural governor thereof in advance.

(Order for Improvement)

Article 56 The Minister of Economy, Trade and Industry may, when he/she finds that a notifying manufacturing business operator prescribed in Article 53, paragraph 1 or a person prescribed in paragraph 2 of the same Article is violating the provision of paragraph 1 or 2 of the same Article, order such violating party to take necessary measures in order for specified measuring instruments manufactured or sold by such violating party to conform to technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in paragraph 1 of the same Article.

(Restriction on Transfer, etc.)

Article 57 (1) Any person engaged in the business of manufacture, repair or import of clinical thermometers and other specified measuring instruments specified by Cabinet Order shall not transfer or lend said specified measuring instruments to anyone, or deliver them to those to whom a repair thereof is entrusted, unless those specified measuring instruments are affixed with a verification mark, etc. (limited to those whose valid period has not expired, in the case of specified measuring instruments specified by the Cabinet Order set forth in Article 72, paragraph 2; the same shall apply in the next paragraph); provided, however, that this shall not apply to the case where said specified measuring instruments are transferred, lent or delivered for the purpose of export, and such fact is notified to the prefectural governor in advance.

(2) Any person engaged in the business of sale of specified measuring instruments specified by the Cabinet Order set forth in the preceding paragraph (excluding those prescribed in the same paragraph) shall not

transfer, lend, or possess for the purpose of transferring or lending said specified measuring instruments unless said specified measuring instruments are affixed with a verification mark, etc.; provided, however, that this shall not apply to the case where said specified measuring instruments are transferred or lent for the purpose of export, and such fact is notified to the prefectural governor in advance.

Section 5 Business of Manufacturing Special Containers

(Designation)

Article 58 A designation set forth in Article 17, paragraph 1 shall be granted to each factory or workplace of a person engaged in the business of manufacturing special containers (hereinafter referred to as a "manufacturer" in this Section) or of a person who is based abroad and engaged in the business of manufacturing special containers to be exported to Japan (hereinafter referred to as a "foreign manufacturer" in this Section) upon his/her application.

(Application for Designation)

Article 59 A manufacturer who intends to receive a designation set forth in Article 17, paragraph 1 shall submit an application to the Minister of Economy, Trade and Industry, which shall state the following matters:

- (i) Name and address, and, in the case of a juridical person, name of its representative
- (ii) Name and location of factory or workplace
- (iii) Matters pertaining to manufacturing and inspection methods for special containers (limited to those specified by the Ordinance of the Ministry of Economy, Trade and Industry)
- (iv) Symbol indicating that special containers have been manufactured by such person

(Criteria for Designation)

Article 60 (1) Any person whose designation has been rescinded pursuant to the provision of Article 67 and one year has not passed from the date of such rescission shall not be eligible to receive a designation set forth in Article 17, paragraph 1.

(2) The Minister of Economy, Trade and Industry shall not grant a designation unless he/she finds that the application for designation set forth in Article 17, paragraph 1 conforms to each of the following items:

- (i) The manufacturing method for special containers conforms to the standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- (ii) The inspection method for special containers conforms to the standards

specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(Succession)

Article 61 When a manufacturer who has received a designation set forth in Article 17, paragraph 1 (hereinafter referred to as a "designated manufacturer") has transferred his/her business in whole or in part pertaining to said designation, or when an inheritance, merger or split (limited to those by which the business pertaining to said designation is succeeded in whole) has occurred to a designated manufacturer, the transferee of the designated manufacturer's business in whole, the heir, the surviving juridical person after the merger, the newly established juridical person after the merger or the juridical person which has succeeded the notifying manufacturer's business in whole after the split shall succeed the status of the notifying manufacturer; provided, however, that this shall not apply to the case where the transferee of the designated manufacturer's business in whole, the heir, the surviving juridical person after merger, the newly established juridical person after merger or the juridical person which has succeeded the notifying manufacturer's business in whole after the split falls under paragraph 1 of the preceding Article.

(Notification of Change)

Article 62 (1) A designated manufacturer shall notify the Minister of Economy, Trade and Industry of any change in the matters set forth in each item of Article 59 without delay.

(2) In the case of the preceding paragraph, a person who has succeeded the status of the designated manufacturer pursuant to the provision of the preceding Article shall submit a document certifying such fact.

(Indication)

Article 63 (1) A designated manufacturer may, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry, affix an indication to special containers manufactured at its factory or workplace pertaining to the designation, if those special containers conform to each of the following items:

- (i) The special containers belong to the types specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 17 paragraph 1.
- (ii) The instrumental error of the special containers does not exceed the quantity tolerance specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(2) A designated manufacturer who intends to affix the indication set forth in the preceding paragraph shall, by the method specified by the Ordinance of the Ministry of Economy, Trade and Industry, indicate on the special container the

symbol which has been described on the application pursuant to the provisions of Article 59, item 4 and the volume of the type of the special container specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 17, paragraph 1.

(3) No person shall affix to any special container an indication set forth in paragraph 1 or any indication that is confusingly similar thereto, except in the case prescribed in the same paragraph (including the cases where it is applied mutatis mutandis pursuant to Article 69, paragraph 1).

(Order for Compliance)

Article 64 The Minister of Economy, Trade and Industry may, when he/she finds that a designated manufacturer has become noncompliant with the provisions of each item of Article 60, paragraph 2, order the designated manufacturer to take necessary measures for compliance therewith.

(Notification of Abolishment)

Article 65 When a designated manufacturer has abolished the business pertaining to its designation, the designated manufacturer shall notify the Minister of Economy, Trade and Industry thereof without delay.

(Lapse of Designation)

Article 66 When a designated manufacturer has abolished its business pertaining to its designation, the designation shall cease to be effective.

(Rescission of Designation)

Article 67 The Minister of Economy, Trade and Industry may, when a designated manufacturer falls under any of the following items, rescind its designation:

- (i) The designated manufacturer has violated any provision of Article 62, paragraph 1 or Article 63, paragraph 2 or 3.
- (ii) The designated manufacturer has violated an order pursuant to the provision of Article 64.
- (iii) The designated manufacturer has obtained a designation set forth in Article 17, paragraph 1 by wrongful means.

(Removal of Indication)

Article 68 When any person engaged in the business of the import of special containers (including the case where such special containers are imported with goods contained in such special containers; hereinafter the same shall apply in this Article) (hereinafter referred to as a "special container importer") has imported special containers affixed with an indication set forth in Article 63, paragraph 1 or any indication that is confusingly similar thereto, the person

shall remove such indication prior to the time of transfer or lending thereof, except in the case where such indication has been so affixed pursuant to the provision of Article 63, paragraph 1 (including the case where it is applied mutatis mutandis pursuant to paragraph 1 of the next Article).

(Designation pertaining to Foreign Manufacturer)

- Article 69 (1) The provision of Article 59 and Article 60 shall apply mutatis mutandis to a designation set forth in Article 17 paragraph 1 pertaining to foreign manufacturers, and the provision of Articles 61 through 67 shall apply mutatis mutandis to foreign manufacturers who have obtained a designation set forth in the same paragraph (hereinafter referred to as a "designated foreign manufacturer"). In this case, the term "Article 67" in Article 60, paragraph 1 shall be deemed to be replaced with "Article 67 or Article 69, paragraph 2, as applied mutatis mutandis pursuant to Article 69 paragraph 1", the terms "no person" and "special container" in Article 63, paragraph 3 shall be deemed to be replaced with "no designated foreign manufacturer" and "special container to be exported to Japan", respectively, the term "order" in Article 64 shall be deemed to be replaced with "request", and the term "has violated an order" in Article 67, item 2 shall be deemed to be replaced with "has not responded to a request."
- (2) The Minister of Economy, Trade and Industry may, in addition to the case pursuant to the provision of Article 67 as applied mutatis mutandis pursuant to the preceding paragraph, rescind a designation of a designated foreign manufacturer if the designated foreign manufacturer falls under any of the following items:
- (i) In the case where the Minister of Economy, Trade and Industry has, within the limit necessary for the enforcement of this Act, requested, pursuant to the provision of Cabinet Order, a report from the designated foreign manufacturer, the designated foreign manufacturer has failed to submit such a report or submitted a false report.
 - (ii) In the case where the Minister of Economy, Trade and Industry has, within the limit necessary for the enforcement of this Act, tried to cause its officials to inspect special containers, facilities for manufacturing or inspecting special containers, books, documents and other materials, or to ask questions to the relevant persons at the designated foreign manufacturer's factory, workplace, business office, administrative office or warehouse, such inspection has been refused, disturbed or evaded, or no answer or false answer has been given to such questions.
 - (iii) When the designated foreign manufacturer fails to bear the expenses pursuant to the provision of the following paragraph.
- (3) The expenses necessary for the inspection pursuant to the provision of item 2

of the preceding paragraph (limited to those specified by Cabinet Order) shall be borne by the designated foreign manufacture to be inspected.

Chapter V Verification, etc.

Section 1 Verification, Inspection of Electric Meter with Transformer and Fitting Inspection

(Application for Verification)

Article 70 Any person who intends to receive a verification test set forth in Article 16 paragraph 1 item 2-b) (hereinafter referred to simply as a "verification test") as to a specified measuring instrument shall submit an application to the Minister of Economy, Trade and Industry, the prefectural governor, Japan Electric Meters Inspection Corporation, or a designated verification body in accordance with the classification specified by Cabinet Order.

(Criteria for Passing)

Article 71 (1) A specified measuring instrument shall be deemed to have passed the verification test if it conforms to each of the following items:

- (i) The structure (including performance and material properties; the same shall apply hereinafter) conforms to technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- (ii) The instrumental error does not exceed the verification tolerance specified by the Ordinance the Ministry of Economy, Trade and Industry.

(2) The conformity to item 1 of the preceding paragraph shall be determined by the method specified by the Ordinance of the Ministry of Economy, Trade and Industry; provided however, that the specified measuring instruments affixed with an indication set forth in Article 84, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 89, paragraph 4; hereinafter the same shall apply in this paragraph) (with regard to specified measuring instruments specified by the Cabinet Order set forth in Article 50, paragraph 1 for which a period specified by the Ordinance of the Ministry of Economy, Trade and Industry for each specified measuring instrument has passed from the time the indication set forth in Article 84, paragraph 1 was affixed thereto, limited to those with an indication set forth in Article 50, paragraph 1 for which a period specified by the Ordinance of the Ministry of Economy, Trade and Industry has not passed from the time the indication set forth in the same paragraph was affixed thereto) shall be, at the time of a verification test, deemed to be conforming to technical standards (excluding those regarding performance specified by the Ordinance of the Ministry of Economy, Trade and Industry as those that are required to be separately

provided for as to the conformity thereto on an individual basis) specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in the same paragraph.

- (3) The conformity to paragraph 1, item 2 shall be determined by the method specified by the Ordinance the Ministry of Economy, Trade and Industry and by using a measuring instrument that has passed an inspection of verification standards set forth in Article 102, paragraph 1 (or, with regard to the instrumental error of specified measuring instruments specified by the Ordinance the Ministry of Economy, Trade and Industry, by using a reference material specified by the Ordinance the Ministry of Economy, Trade and Industry).

(Verification Mark)

Article 72 (1) A specified measuring instrument which has passed a verification test shall be affixed with a verification mark pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry.

- (2) The valid period of verification mark affixed on a measuring instrument specified by Cabinet Order for which it is deemed to be appropriate to set valid period of verification in the light of its structure, conditions for use, actual use status, etc. shall be the valid period specified by such Cabinet Order, and the year and the month of expiration shall be indicated on the verification mark.
- (3) A verification mark to be affixed to the measuring instruments specified by the Cabinet Order set forth in Article 19, paragraph 1 or Article 106, paragraph 1 shall indicate the year and the month in which the verification test was conducted.
- (4) When a measuring instrument that has failed to pass a verification test bears a verification mark, etc., such verification mark, etc., shall be removed.
- (5) When an electric meter for which a verification test has been conducted bears a matching number set forth in Article 74, paragraph 2 or 3, the matching number shall be removed.

(Application for Inspection of Electric Meter with Transformer)

Article 73 (1) Any person who intends to receive an electric meter with a transformer inspection with regard to an electric meter shall submit an application to the Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation or a designated verification body in accordance with the classification specified by Cabinet Order.

- (2) An application pursuant to the provisions of the preceding paragraph shall be submitted together with a transformer to be used with the electric meter; provided, however, that this shall not apply to the case where an inspection for an electric meter with a transformer is conducted with regard to an electric

meter to be used together with a transformer bearing a matching number set forth in paragraph 2 of the following Article for which a period specified by the Ordinance of the Ministry of Economy, Trade and Industry has not passed from the date indicated thereon and the applicant has submitted a document stating the matters concerning such transformer specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(Criteria for Passing and Matching Number)

Article 74 (1) The Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation or a designated verification body shall conduct an inspection of electric meter with a transformer by the method specified by the Ordinance of the Ministry of Economy, Trade and Industry, and pass the electric meter and the transformer used therewith, if they conform to each of the following items (or item 2 only, in the case where a transformer is not attached pursuant to the provision of the proviso to paragraph 2 of the preceding Article):

(i) The structure and the error of the transformer conform to the technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(ii) The error of the electric meter, when used with said transformer, does not exceed the maximum permissible error specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(2) Except in the case prescribed by the proviso to paragraph 2 of the preceding Article, an electric meter and a transformer used therewith which have passed an inspection of the electric meter with the transformer shall be affixed with a matching number pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry. In this case, the matching number to be attached to the transformer shall indicate the date on which the inspection of the electric meter with the transformer was conducted.

(3) In the case prescribed in the proviso to paragraph 2 of the preceding Article, an electric meter which has passed an inspection of the electric meter with the transformer shall be affixed with the same matching number as the one affixed to the transformer to be used therewith pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry.

(4) When an electric meter that has failed an inspection of the electric meter with the transformer or a transformer used therewith bears a matching number set forth in the preceding two paragraphs, such matching number shall be removed.

(Fitting Inspection)

Article 75 (1) Any person who intends to receive a fitting inspection with regard

to a measuring instrument for fittings for vehicles, etc. shall submit an application to the Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation or a designated verification body in accordance with the classification specified by Cabinet Order.

- (2) The Minister of Economy, Trade and Industry, the prefectural governor or the designated verification body shall conduct a fitting inspection by the method specified by the Ordinance of the Ministry of Economy, Trade and Industry, pass the fittings for vehicles, etc., if they conform to the technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry, and affix a fitting inspection mark there pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry.
- (3) The valid period of a fitting inspection mark shall be the period specified by Cabinet Order for each measuring instrument for fittings for vehicles, etc., and each fitting inspection mark shall indicate the year and the month of its expiration.
- (4) When a measuring instrument for fittings for vehicles, etc. that has failed the fitting inspection bears a fitting inspection mark, such fitting inspection mark shall be removed.

Section 2 Type Approval

(Type Approval pertaining to Manufacturing Business Operator)

- Article 76 (1) A notifying manufacturing business operator may obtain an approval of the type of specified measuring instruments from the Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation in accordance with the classification specified by Cabinet Order.
- (2) Any person who intends to obtain an approval set forth in the preceding paragraph shall submit an application to the Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation, which shall state the following matters:
 - (i) Name and address, and, in the case of a juridical person, the name of its representative
 - (ii) Business classification specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 40, paragraph 1
 - (iii) Name and location of the factory or workplace where said specified measuring instruments are manufactured
 - (iv) Date of notification pursuant to the provision of Article 40, paragraph 1
 - (3) When submitting an application set forth in the preceding paragraph, a specified measuring instrument for testing, construction drawings and other relevant documents shall, pursuant to provision of the Ordinance of the Ministry of Economy, Trade and Industry, be attached thereto; provided,

however, that this shall not apply to the case where the applicant who intends to obtain an approval set forth in paragraph 1 with regard to a type of specified measuring instrument which has passed the test set forth in Article 78, paragraph 1 has attached a document certifying that the specified measuring instrument has passed said test.

(Criteria for Approval)

Article 77 (1) A person whose designation has been rescinded pursuant to the provision of Article 88 (including the case where it is applied *mutatis mutandis* pursuant to Article 89, paragraph 4) or Article 89, paragraph 5 and one year has not passed from the day of such rescission may not obtain an approval set forth in paragraph 1 of the preceding Article.

(2) The Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation shall, when the structure of a specified measuring instrument pertaining to an application set forth in paragraph 1 of the preceding Article conforms to the technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph 1, item 1, approve such application.

(Test by Designated Verification Body)

Article 78 (1) A notifying manufacturing business operator may, with respect to a specified measuring instrument of a type for which an approval set forth in Article 76, paragraph 1 is sought, take a test performed by the designated verification body who conducts the verification test for said specified measuring instrument.

(2) A notifying manufacturing business operator who intends to take the test set forth in the preceding paragraph shall, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry, submit a specified measuring instrument for testing, construction drawings and other relevant documents to said designated verification body.

(3) In the test set forth in paragraph 1, a specified measuring instrument shall pass if the structure of the specified measuring instrument for testing conforms to the technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph 1, item 1.

(Notification of Change, etc.)

Article 79 (1) A notifying manufacturing business operator who has obtained an approval set forth in Article 76, paragraph 1 (hereinafter referred to as an "approved manufacturing business operator") shall notify the Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation without delay of any change in the matters set forth in Article 76, paragraph 2,

item 1 or 3.

- (2) The provisions of Article 61 and Article 62, paragraph 2 shall apply mutatis mutandis to approved manufacturing business operators. In this case, the term "paragraph 1 of the preceding Article" in Article 61 shall be deemed to be replaced with "Article 77, paragraph 1", and the term "preceding paragraph" in the same paragraph shall be deemed to be replaced with "Article 79, paragraph 1."

(Obligation of Approved Manufacturing Business Operator to Conform to Standards)

Article 80 An approved manufacturing business operator shall, in manufacturing specified measuring instruments belonging to the type pertaining to its approval, manufacture such specified measuring instruments so as to conform to technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph 1, item 1 (excluding those specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in paragraph 2 of the same Article; hereinafter referred to as "manufacturing technical standards"); provided, however, that this shall not apply to the case where the approved manufacturing business operator manufactures the specified measuring instruments for the purpose of export and has notified the prefectural governor thereof in advance, and the case where the approved manufacturing business operator manufactures the specified measuring instruments on a pilot production basis.

(Type Approval, etc. pertaining to Import Business Operator)

- Article 81 (1) A person engaged in the business of importing specified measuring instruments (hereinafter referred to as an "import business operator") may obtain an approval of the type of specified measuring instruments it imports from the Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation in accordance with the classification specified by the Cabinet Order set forth in Article 76, paragraph 1.
- (2) The provisions of Article 76, paragraph 2 (excluding items 2 and 4) and paragraph 3, Article 77 and Article 78 shall apply mutatis mutandis to an approval set forth in the preceding paragraph. In this case, the term "Name and location of the factory or workplace where the specified measuring instruments are manufactured" in Article 76, paragraph 2, item 3 shall be deemed to be replaced with "Name and address of manufacturer."
- (3) The provisions of Article 61, Article 62, paragraph 2 and Article 79, paragraph 1 shall apply mutatis mutandis to an import business operator who has obtained an approval set forth in paragraph 1 (hereinafter referred to as an "approved import business operator"). In this case, the term "paragraph 1 of

the preceding Article" in Article 61 shall be deemed to be replaced with "Article 77, paragraph 1", and the term "the preceding Article" in Article 62, paragraph 2 shall be deemed to be replaced with "Article 79, paragraph 1 as applied mutatis mutandis pursuant to Article 81, paragraph 3."

(Obligation of Approved Import Business Operator to Conform to Standards)

Article 82 When an approved import business operator intends to sell a specified measuring instrument belonging to the type pertaining to an approval, the approved import business operator shall make the specified measuring instrument conform to the manufacturing technical standards; provided, however, that this shall not apply to the case where the approved import business operator sells said specified measuring instruments for the purpose of export and has notified the prefectural governor thereof in advance.

(Valid Period of Approval, etc.)

Article 83 (1) An approval set forth in Article 76, paragraph 1 and Article 81, paragraph 1 shall cease to be effective upon expiration of a period specified by Cabinet Order, unless renewed at each such time.

(2) Any necessary procedural matters pertaining to the renewal set forth in the preceding paragraph shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Indication)

Article 84 (1) When an approved manufacturing business operator or an approved import business operator has manufactured or imported a specified measuring instrument belonging to the type pertaining to an approval (excluding those manufactured or imported pursuant to the provision of the proviso to Article 80 or the proviso to Article 82), the approved manufacturing business operator or the approved import business operator may, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry, affix an indication thereto.

(2) An indication set forth in the preceding paragraph affixed to the specified measuring instruments specified by the Cabinet Order set forth in Article 50, paragraph 1 shall indicate the year in which such indication was affixed.

(3) No person shall affix to specified measuring instruments an indication set forth in paragraph 1 or any indication that is confusingly similar thereto, except in the case prescribed in paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 89, paragraph 4).

(Removal of Indication)

Article 85 When an import business operator has imported specified measuring

instruments affixed with the indication set forth in paragraph 1 of the preceding Article or any indication that is confusingly similar thereto, the import business operator shall remove such indication prior to the time of transfer, lending or verification test of such specified measuring instruments, except in the case where such indication has been affixed pursuant to the provision of paragraph 1 of the preceding Article (including the cases where it is applied mutatis mutandis pursuant to Article 89, paragraph 4).

(Order for Improvement)

Article 86 The Minister of Economy, Trade and Industry may, when he/she finds that an approved manufacturing business operator or an approved import business operator is violating the provision of Article 80 or Article 82, order such violating party to take necessary measures in order for specified measuring instruments manufactured or imported by such violating party to conform to the manufacturing technical standards.

(Lapse of Approval)

Article 87 When an approved manufacturing business operator has abolished the business of manufacturing specified measuring instruments pertaining to the notification or an approved import business operator has abolished the business of importing specified measuring instruments, an approval shall cease to be effective.

(Rescission of Approval)

Article 88 The Minister of Economy, Trade and Industry may, when an approved manufacturing business operator or an approved import business operator falls under any of the following items, rescind its approval:

- (i) The approved manufacturing business operator or the approved import business operator has violated Article 79, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 81, paragraph 3) or Article 84, paragraph 3.
- (ii) The approved manufacturing business operator or the approved import business operator has violated an order pursuant to the provisions of Article 44 or Article 86.
- (iii) The approved manufacturing business operator or the approved import business operator has obtained an approval set forth in Article 76, paragraph 1 or Article 81, paragraph 1 by wrongful means.

(Type Approval, etc. pertaining to Foreign Manufacturing Business Operator)

Article 89 (1) A person engaged in the business of manufacturing specified measuring instruments to be exported to Japan in a foreign country

(hereinafter referred to as a "foreign manufacturing business operator") may obtain an approval of the type of such specified measuring instruments from the Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation in accordance with the classification specified by the Cabinet Order set forth in Article 76, paragraph 1.

- (2) When a foreign manufacturing business operator who has obtained an approval set forth in the preceding paragraph (hereinafter referred to as an "approved foreign manufacturing business operator") manufactures a specified measuring instrument to be exported to Japan belonging to the type pertaining to an approval, the approved foreign manufacturing business operator shall make said specified measuring instrument conform to the manufacturing technical standards.
- (3) The provisions of Article 76, paragraph 2 (excluding item 2 and 4) and paragraph 3, Article 77, Article 78 and Article 83 shall apply *mutatis mutandis* to an approval set forth in paragraph 1 of this Article.
- (4) The provisions of Article 61, Article 62, paragraph 2, Article 79, paragraph 1, Article 84, paragraphs 1 and 3 and the preceding three Articles shall apply *mutatis mutandis* to an approved foreign manufacturing business operator. In this case, the term "paragraph 1 of the preceding Article" in Article 61 shall be deemed to be replaced with "Article 77, paragraph 1 as applied *mutatis mutandis* pursuant to Article 89, paragraph 3", and the term "the preceding paragraph" in Article 62, paragraph 2 shall be deemed to be replaced with "Article 79, paragraph 1 as applied *mutatis mutandis* pursuant to Article 89, paragraph 4", the term "No person" and the term "specified measuring instrument" in Article 84, paragraph 3 shall be deemed to be replaced with "No approved foreign manufacturing business operator" and "specified measuring instrument to be exported to Japan", respectively, the term "Article 80 or Article 82" and the term "order" in Article 86 shall be deemed to be replaced with "Article 89, paragraph 2" and "request", respectively, and the term "has violated an order" in paragraph 2 of the preceding Article shall be deemed to be replaced with "has failed to respond to a request."
- (5) The Minister of Economy, Trade and Industry may, in addition to the case pursuant to the provision of the preceding Article as applied *mutatis mutandis* pursuant to the preceding paragraph, rescind an approval of an approved foreign manufacturing business operator if the approved foreign manufacturing business operator falls under any of the following items:
 - (i) In the case where the Minister of Economy, Trade and Industry has, within the limit necessary for the enforcement of this Act, requested a report from the approved foreign manufacturing business operator, pursuant to the provision of Cabinet Order, the approved foreign manufacturing business operator has failed to submit such a report or submitted a false report.

- (ii) In the case where the Minister of Economy, Trade and Industry has, within the limit necessary for the enforcement of this Act, tried to cause its officials to inspect specified measuring instruments, books, documents and other materials, or to ask questions relevant persons at the approved foreign manufacturing business operator's factory, workplace, business office, administrative office or warehouse, such inspection has been refused, disturbed or evaded, or no answer or false answer has been given to such questions.
 - (iii) In an inspection pursuant to the provision set forth in the preceding item, when the Minister of Economy, Trade and Industry has requested the approved foreign manufacturing business operator to submit within a time limit a specified measuring instrument that is deemed to be considerably difficult to be inspected by its officials at the approved foreign manufacturing business operator's location, the approved foreign manufacturing business operator has failed to respond to such request.
- (6) The State shall compensate an approved foreign manufacturing business operator for any loss arising out of a request pursuant to the provision of item 3 of the preceding paragraph. In this case, the loss to be compensated shall be a loss which normally occurs in relation to the request pursuant to the provision of the same item.

Section 3 Designated Manufacturing Business Operators

(Designation)

Article 90 A designation set forth in Article 16, paragraph, 1 item 2 (b) shall be granted to each factory or workplace of a notifying manufacturing business operator or an approved foreign manufacturing business operator in accordance with the business classification specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 40, paragraph 1 (simply referred to as the "business classification" in paragraph 1 of the following Article) upon an application of the notifying manufacturing business operator or the approved foreign manufacturing business operator.

(Application for Designation pertaining to Notifying Manufacturing Business Operator)

Article 91 (1) A notifying manufacturing business operator who intends to receive a designation set forth in Article 16, paragraph 1 item 2 (b) shall submit an application to the Minister of Economy, Trade and Industry, which shall state the following matters:

- (i) Name and address, and, in the case of a juridical person, the name of its representative

- (ii) Business classification
 - (iii) Name and location of the factory or workplace
 - (iv) Date of notification pursuant to the provision of Article 40, paragraph 1
 - (v) Matters pertaining to the method of quality control (limited to those prescribed by the Ordinance of the Ministry of Economy, Trade and Industry)
- (2) A notifying manufacturing business operator who has submitted an application pursuant to the provisions of the preceding paragraph shall submit to an inspection to be performed by the prefectural governor or Japan Electric Meters Corporation with respect to the method of quality control in its factory or workplace in accordance with the classification thereof specified by Cabinet Order, provide, however, that this shall not apply to the case where the notifying manufacturing business operator has submitted an application set forth in the same paragraph together with the document set forth in Article 93, paragraph 2.
- (3) The prefectural governor or Japan Electric Meters Inspection Corporation who has conducted an inspection pursuant to the provisions of the preceding paragraph shall report results of said inspection to the Minister of Economy, Trade and Industry.

(Criteria for Designation)

Article 92 (1) Any notifying manufacturing business operator who falls under any of the following items may not receive a designation set forth in Article 16 paragraph 1 item 2 (b):

- (i) A person who has been sentenced to a fine or severer punishment by violating this Act or any order pursuant to this Act, and two years have not passed from the date on which the enforcement of such punishment has been completed or has become not applicable.
 - (ii) A person whose designation has been rescinded pursuant to the provision of Article 99 and two years have not passed from the day of such rescission.
 - (iii) A juridical person with an operating officer who falls under either of the preceding two paragraphs.
- (2) The Minister of Economy, Trade and Industry shall not make a designation unless he/she finds that the method of quality control in the factory or workplace pertaining to the application for the designation set forth in Article 16, paragraph 1, item 2 (b) conforms to standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(Examination by Designated Verification Body)

Article 93 (1) A notifying manufacturing business operator may receive an examination by a designated verification body who conducts a verification test of specified measuring instruments with regard to the method of quality

control in the notifying manufacturing business operator's factory or workplace pertaining to the application for a designation set forth in Article 16, paragraph 1 item 2 (b).

- (2) A designated verification body shall, when it finds that the method of quality control at the factory or workplace where the examination set forth in the preceding paragraph has been conducted conforms to the standards specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in paragraph 2 of the preceding Article, issue a document certifying such fact.

(Notification, etc. of Change)

Article 94 (1) A notifying manufacturing business operator who has obtained a designation set forth in Article 16, paragraph 1, item 2 (b) (hereinafter referred to as a "designated manufacturing business operator") shall notify the Minister of Economy, Trade and Industry of any change in the matters set forth in Article 91, paragraph 1, item 5 without delay.

- (2) The provisions of Article 61 and Article 62, paragraph 2 shall apply mutatis mutandis to designated manufacturing business operators. In this case, the terms "paragraph 1 of the preceding Article" in Article 61 shall be deemed to be replaced with "Article 92, paragraph 1", and the term "preceding paragraph" in the same paragraph shall be deemed to be replaced with "Article 94, paragraph 1."

(Obligation, etc. of Conformity to Standards)

Article 95 (1) A designated manufacturing business operator shall, in manufacturing specified measuring instruments belonging to the type pertaining to an approval set forth in Article 76, paragraph 1 in its factory or workplace pertaining to the designation, make said specified measuring instruments conform to technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph 1, item 1 that fall under the technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in paragraph 2 of the same Article and shall make their instrumental error not exceed the verification tolerance specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in paragraph 1, item 2 of the same Article; provided, however, that this shall not apply to the case where the designated manufacturing business operator manufactures said specified measuring instruments for the purpose of export and has notified the prefectural governor thereof in advance, or where the notifying manufacturing business operator manufactures said specified measuring instruments on a pilot production basis.

- (2) A designated manufacturing business operator shall, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry,

conduct an inspection and prepare and keep the inspection record with regard to specified measuring instruments belonging to the type pertaining to the approval set forth in Article 76, paragraph 1 (excluding those manufactured pursuant to the provision of the proviso to the preceding paragraph) that are manufactured in its factory or workplace pertaining to the designation.

(Indication)

Article 96 (1) A designated manufacturing business operator may, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry, affix an indication to specified measuring instruments belonging to the type pertaining to the approval set forth in Article 76, paragraph 1 (excluding those manufactured pursuant to the provision of the proviso to paragraph 1 of the preceding Article) that are manufactured in its factory or workplace pertaining to the designation.

(2) The valid period of an indication set forth in the preceding paragraph to be affixed to the specified measuring instruments specified by the Cabinet Order set forth in Article 72, paragraph 2 shall be the period specified by the Cabinet Order set forth in paragraph 2 of the same Article, and the year and the month of expiration shall be indicated on the indication.

(3) An indication set forth in paragraph 1 to be affixed to the specified measuring instruments specified by the Cabinet Order set forth in Article 19, paragraph 1 or Article 116, paragraph 1 shall indicate the year and the month in which the indication was affixed.

(Restriction on Indication)

Article 97 (1) No person shall affix to any specified measuring instrument an indication set forth in paragraph 1 of the preceding Article or any indication that is confusingly similar thereto, except in the case prescribed in paragraph 1 of the preceding Article (including the cases where it is applied mutatis mutandis pursuant to Article 101, paragraph 3).

(2) When an import business operator has imported a specified measuring instrument affixed with an indication set forth in paragraph 1 of the preceding Article or any indication that is confusingly similar thereto, the import business operator shall remove such indication prior to the time of transfer or lending of the specified measuring instrument, except in the case where such indication has been affixed pursuant to the provision of paragraph 1 of the preceding Article (including the cases where it is applied mutatis mutandis pursuant to Article 101, paragraph 3).

(Order for Improvement)

Article 98 The Minister of Economy, Trade and Industry may, in the following

cases, order a designated manufacturing business operator to improve appliances, machines or equipment used to inspect the specified measuring instruments, as well as its quality control operations, and to take other necessary measures:

- (i) When the Minister of Economy, Trade and Industry finds that the method of quality control at the designated manufacturing business operator's factory or workplace pertaining to the designation does not conform to the standards specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 92, paragraph 2.
- (ii) When the Minister of Economy, Trade and Industry finds that the designated manufacturing business operator has violated the provision of Article 95, paragraph 1.

(Rescission of Designation)

Article 99 The Minister of Economy, Trade and Industry may, when a designated manufacturing business operator falls under any of the following items, rescind its designation:

- (i) The designated manufacturing business operator has violated the provisions of Article 84, paragraph 3, Article 94, paragraph 1, Article 95, paragraph 2 or Article 97, paragraph 1.
- (ii) The designated manufacturing business operator has fallen under Article 92, paragraph 1, item 1 or 3.
- (iii) The designated manufacturing business operator has violated an order pursuant to the provision of Article 86 or the preceding Article.
- (iv) The designated manufacturing business operator has obtained a designation set forth in Article 16, paragraph 1, item 2 (b) by wrongful means.

(Application, mutatis mutandis)

Article 100 The provision of Article 40, paragraph 2 shall apply mutatis mutandis to the submission of an application pursuant to the provision of Article 91, paragraph 1 and to the notification pursuant to the provision of Article 94, paragraph 1, and the provision of Article 66 shall apply mutatis mutandis to designated manufacturing business operators.

(Designation, etc. pertaining to Foreign Manufacturing Business Operator)

Article 101 (1) A foreign manufacturing business operator who intends to receive a designation set forth in Article 16, paragraph 1, item 2 (b) shall submit an application to the Minister of Economy, Trade and Industry, which shall state the matters set forth in Article 91, paragraph 1, items 1 through 3 and item 5.
(2) When a foreign manufacturing business operator who has received a

designation set forth in Article 16, paragraph 1, item 2 (b) (hereinafter referred to as a "designated foreign manufacturing business operator") manufactures specified measuring instruments belonging to the type for which an approval set forth in Article 89, paragraph 1 was received, in its factory or workplace pertaining to the designation, the designated foreign manufacturing business operator shall make the specified measuring instruments conform to technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph 1, item 1 that fall under the technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in paragraph 2 of the same Article and shall make their instrumental error not to exceed the verification tolerance specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in paragraph 1, item 2 of the said Article.

- (3) The provision of Article 92 shall apply mutatis mutandis to a designation set forth in Article 16, paragraph, 1 item 2 (b) pertaining to the designation pursuant to the provision of paragraph 1 of this Article, and the provisions of Article 61, Article 62, Article 65, Article 66, Article 89, paragraphs 5 and 6, Article 94, paragraph 1, Article 95, paragraph 2, Article 96, paragraph 1, Article 97, paragraph 1, Article 98 and Article 99 shall apply mutatis mutandis to designated foreign manufacturing business operators. In this case, the term "paragraph 1 of the preceding Article" in Article 61 shall be deemed to be replaced with "Article 92, paragraph 1 as applied mutatis mutandis pursuant to Article 101, paragraph 3", the term "each item of Article 59" in Article 62, paragraph 1 shall be deemed to be replaced with "Article 91, paragraph 1, items 1 through 3", the term "the preceding Article as applied mutatis mutandis pursuant to the preceding paragraph" in Article 89, paragraph 5 shall be deemed to be replaced with "Article 99 as applied mutatis mutandis pursuant to Article 101, paragraph 3", the term "specified measuring instruments belonging to the type pertaining to the approval set forth in Article 76, paragraph 1 (excluding those manufactured pursuant to the provision of the proviso to the preceding paragraph)" in Article 95 paragraph 2 and the term "specified measuring instruments belonging to the type pertaining to an approval set forth in Article 76, paragraph 1 (excluding those manufactured pursuant to the provision of the proviso to paragraph 1 of the preceding Article)" in Article 96, paragraph 1 shall be deemed to be replaced with "specified measuring instruments to be exported to Japan belonging to the type pertaining to the approval set forth in Article 89, paragraph 1", the terms "No person" and "specified measuring instrument" in Article 97, paragraph 1 shall be deemed to be replaced with "No designated foreign manufacturing business operator" and "specified measuring instrument to be exported to Japan", respectively, the term "order" in Article 98 shall be deemed to be

replaced with "request", the term "Article 95, paragraph 1" in Article 98, item 2 shall be deemed to be replaced with "Article 101, paragraph 2", the term "Article 84, paragraph 3" in Article 99, item 1 shall be deemed to be replaced with "Article 84, paragraph 3 as applied mutatis mutandis pursuant to Article 89, paragraph 4", and the terms "Article 86" and "has violated an order" in Article 99, item 3 shall be deemed to be replaced with "Article 86 as applied mutatis mutandis pursuant to Article 89, paragraph 4" and "has failed to respond to a request", respectively.

Section 4 Inspection of Verification Standards

(Inspection of Verification Standards)

- Article 102 (1) Verification tests, periodic inspections and other inspections of measuring instruments specified by the Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as an "inspection of verification standards") shall be performed by the Minister of Economy, Trade and Industry, the prefectural governor or Japan Electric Meters Inspection Corporation in accordance with the classification specified by Cabinet Order.
- (2) The types of measuring instruments used for the inspection of verification standards and the persons eligible to receive the inspection of verification standards shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Criteria for Passing the Inspection of Verification Standards)

- Article 103 (1) The measuring instrument shall pass an inspection of verification standards when it conforms to each of the following items:
- (i) The structure of the measuring instrument conforms to technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.
 - (ii) The instrumental error of the measuring instrument conforms to the standards specified by the Ordinance the Ministry of Economy, Trade and Industry.
- (2) The conformity to item 1 of the preceding paragraph shall be determined by the method specified by the Ordinance the Ministry of Economy, Trade and Industry
- (3) The conformity to paragraph 1, item 2 shall be determined through a calibration of the measuring instrument by the method specified by the Ordinance the Ministry of Economy, Trade and Industry; provided, however, that if the measuring instrument bears a certificate issued by a registered operator set forth in Article 144, paragraph 1 pertaining to a calibration of the measuring instrument, the conformity may be determined based on said certificate.

(Verification Standard Inspection Mark)

- Article 104 (1) A measuring instrument which has passed an inspection of verification standards (hereinafter referred to as a "verification standard") shall be affixed with a verification standard inspection mark pursuant to the provision of the Ordinance the Ministry of Economy, Trade and Industry.
- (2) A valid period of each verification standard inspection mark shall be the period specified by the Ordinance the Ministry of Economy, Trade and Industry for each verification standard type.
- (3) A verification standard mark affixed to a measuring instrument which has failed to pass an inspection of verification standards shall be removed.

(Certificate of Inspection of Verification Standards)

- Article 105 (1) When a measuring instrument has passed an inspection of verification standards, a certificate of inspection of verification standards stating the instrumental error, the calibration methods and the valid period set forth in paragraph 2 of the preceding Article shall be issued to an applicant for the inspection of verification standards.
- (2) A certificate of inspection of verification standards to be issued with regard to a measuring instrument specified by the Ordinance the Ministry of Economy, Trade and Industry shall also state the intended use and the method of use of the measuring instrument.
- (3) If an applicant for an inspection of verification standards has received a certificate of inspection of verification standards pertaining to a measuring instrument which has failed to pass an inspection of verification standards, a cancellation mark shall be applied on the certificate of inspection of verification standards.
- (4) Any transfer or lending of any verification standard shall be made together with a certificate of inspection of verification standards thereof.

Section 5 Designated Verification Bodies

- Article 106 (1) A designation set forth in Article 16, paragraph 1, item 2 (a) shall be made, in accordance with the classification specified by Cabinet Order, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry, upon an application submitted, by a person who intends to perform a verification test (including an inspection of electric meters with a transformer, a fitting inspection, a test set forth in Article 78, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 81, paragraph 2 and Article 89, paragraph 3) and an examination set forth in Article 93, paragraph 1; hereinafter the same shall apply in this Article).

- (2) A designated verification body shall notify the Minister of Economy, Trade and Industry of any change in the location of the place of business where verification tests are conducted two weeks prior to the date of intended change.
- (3) The provisions of Articles 27 through 33 and Articles 35 through 38 shall apply mutatis mutandis to designated verification bodies and verification tests. In this case, the term "prefectural governor or the head of a specified municipality" in these provisions shall be deemed to be replaced with "the Minister of Economy, Trade and Industry", and the term "Article 20, paragraph 1" in Articles 27 through Article 28-2 and Article 38 item 5 shall be deemed to be replaced with "Article 16, paragraph 1, item 2 (a)."

Chapter VI Measurement Certification Business

Section 1 Measurement Certification Business

(Registration of Measurement Certification Business)

Article 107 Any person who intends to engage in a measurement certification business listed in the following items shall, in accordance with the business classification specified by the Ordinance of the Ministry of Economy, Trade and Industry (simply referred to as the "business classification" in the following Article), obtain a registration for each of its place of business from the prefectural governor having jurisdiction over its place of business; provided, however, that this shall not apply to the case where a person engaged in the measurement certification business is the national government, local governments, or an incorporated administrative agency prescribed by Article 2, paragraph 1 of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999) who is designated by Cabinet Order as competent to appropriately perform the measurement certification business, or where the measurement certification business is performed by a person who has received a registration, designation or any other disposition to conduct that business pursuant to the provision of an Act specified by Cabinet Order:

- (i) The business of measurement certifications of length, weight, area, volume or heat concerning goods to be loaded/unloaded or entered/dispatched for transportation, deposit or sale or purchase (excluding the measurement certifications of mass or volume of goods to be loaded on or unloaded from ship).
- (ii) The business of measurement certifications of concentration, sound pressure level or the quantity of other physical phenomena specified by Cabinet Order (excluding what is listed in the preceding item).

(Application for Registration)

Article 108 A person who intends to obtain a registration set forth in the

preceding Article shall submit an application to the prefectural governor having jurisdiction over the person's place of business, which shall state the following matters:

- (i) Name and address, and in the case of a juridical person, name of its representative
- (ii) Business classification
- (iii) Location of the place of business
- (iv) Name, performance and number of specified measuring instruments and other appliances, machines, or equipment used for measurement certifications, specified by the Ordinance of the Ministry of Economy, Trade and Industry
- (v) Names (or, names and their registration numbers in the case of persons listed in (a)) and job descriptions of the following persons engaged in the service pertaining to the business
 - (a) Certified measurer(s) specified by the Ordinance of the Ministry of Economy, Trade and Industry according to the business classification
 - (b) Person(s) with knowledge and experience that conform to the requirements specified by the Ordinance of the Ministry of Economy, Trade and Industry according to the business classification

(Criteria for Registration)

Article 109 The prefectural governor shall, when an application for registration set forth in Article 107 conforms to each of the following items, grant a registration:

- (i) Specified measuring instruments and other appliances, machines or equipment used for measurement certifications conform to standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- (ii) Measurement control (an act of taking necessary measures to ensure proper measurements, such as arrangement of measuring instruments maintenance of accurate measurements and improvement of measurement methods; the same shall apply hereinafter) pertaining to the business performed by a person listed in item 5 (a) or item 5 (b) of the preceding Article.
- (iii) In the case where the business is a specified measurement certification business set forth in Article 121-2 and is specified by Cabinet Order as a business which is specifically required to ensure proper measurements, the business is accredited under the same Article.

(Business Rules)

Article 110 (1) A person who has obtained a registration set forth in Article 107 (hereinafter referred to as a "measurement certification business operator") shall prepare business rules stating matters specified by the Ordinance of the

Ministry of Economy, Trade and Industry with regard to the method of implementation of the business pertaining to the registration, and submit the same to the prefectural governor after the registration without delay. The same shall apply to any change thereof.

- (2) The prefectural governor may, when he/she finds it necessary for ensuring proper implementation of measurement certifications, order a measurement certification business operator to change its business rules pertaining to the notification pursuant to the provision of the preceding paragraph.

(Issuance of Certificate)

Article 110-2 (1) When a measurement certification business operator has performed measurement certifications pertaining to its measurement certification business, the measurement certification business operator may issue a certificate stating the matters specified by the Ordinance of the Ministry of Economy, Trade and Industry and bearing a mark specified by the Ordinance of the Ministry of Economy, Trade and Industry.

- (2) No person shall affix to any certificate pertaining to measurement certifications a mark set forth in the preceding paragraph or any mark that is confusingly similar thereto, except in the case prescribed in the preceding paragraph.
- (3) In addition to what is provided for in the preceding paragraph, a measurement certification business operator shall not affix to any article other than certificates pertaining to measurement certifications a mark set forth in paragraph 1 or any mark that is confusingly similar thereto.

(Order for Compliance)

Article 111 The prefectural governor may, when he/she finds that a measurement certification business operator has become noncompliant with the provisions of each item of Article 109, order the measurement certification business operator to take necessary measures for compliance therewith.

(Lapse of Registration)

Article 112 When a measurement certification business operator has abolished its business pertaining to the registration or relocated its place of business to a location outside the jurisdiction of the prefectural governor who has granted the registration, the registration shall cease to be effective.

(Rescission of Registration, etc.)

Article 113 The prefectural governor may, when a measurement certification business operator falls under any of the following items, rescind its registration, or order the suspension of the business of the measurement

certification business operator for a fixed period of time not exceeding one year:

- (i) The measurement certification business operator has violated the provision of Article 62, paragraph 1 as applied mutatis mutandis pursuant to the following Article or Article 116.
- (ii) The measurement certification business operator has fallen under Article 92, paragraph 1, item 1 or 3 as applied mutatis mutandis pursuant to the following Article.
- (iii) The measurement certification business operator has violated an order pursuant to the provision of Article 110, paragraph 2 or Article 111.
- (iv) He/she finds that the business rules pertaining to the notification pursuant to the provision of Article 110, paragraph 1 are not being enforced.
- (v) The measurement certification business operator has committed wrongful acts pertaining to the measurement certificate business except in the case prescribed in each of the preceding items.
- (vi) The measurement certification business operator has obtained a registration set forth in Article 107 by wrongful means.

(Application, mutatis mutandis)

Article 114 The provisions of Article 92, paragraph 1 shall apply mutatis mutandis to a registration set forth in Article 107, and the provisions of Article 61, Article 62 and Article 65 shall apply mutatis mutandis to measurement certification business operators. In this case, the term "two years" in Article 92, paragraph 1, items 1 and 2 shall be deemed to be replaced with "one year", the term "Article 99" in the same items shall be deemed to be replaced with "Article 113", the term "paragraph 1 of the preceding Article" in Article 61 shall be deemed to be replaced with "Article 92, paragraph 1 as applied mutatis mutandis pursuant to Article 114", the term "each item of Article 59" in Article 62, paragraph 1 shall be deemed to be replaced with "Article 108 item 1 or items 3 through 5."

(Delegation to the Ordinance of the Ministry of Economy, Trade and Industry)

Article 115 In addition to what is provided for in Article 107 through the preceding Article, the issuance, revision, reissuance and return of a registration certificate, the issuance of a certified copy or inspection of registry, and other matters pertaining to a registration of the business of measurement certifications shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

Section 2 Measurement Certification Inspection

(Measurement Certification Inspection)

Article 116 (1) A measurement certification business operator shall, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry, receive an inspection performed by the prefectural governor who has granted a registration to the measurement certification business operator (hereinafter referred to as a "measurement certifications inspection") with respect to specified measuring instruments used for measurement certifications (excluding those specified by the Cabinet Order set forth in Article 16, paragraph 1) at intervals, specified by Cabinet Order for each specified measuring instrument, from the date of registration set forth in Article 107; provided, however, that this shall not apply to the following specified measuring instruments:

- (i) A specified measuring instrument affixed with a verification mark, etc. for which a period specified by Cabinet Order for each specified measuring instrument has not expired from the first day of the following month of the year and month indicated on the mark, etc. pursuant to the provision of Article 72, paragraph 3 or Article 96, paragraph 3
 - (ii) A specified measuring instrument used by a measurement certification business operator who has received a designation set forth in Article 127, paragraph 1 in the place of business pertaining to the designation (excluding what is listed in the preceding item)
- (2) A measurement certification business operator who has received a designation set forth in Article 127, paragraph 1 shall, once during the period specified by Cabinet Order, excluding the period applied to each item of the preceding paragraph, cause a certified measurer prescribed in Article 128, paragraph 1 inspect whether a specified measuring instrument specified by the Cabinet Order set forth in the same paragraph that are used in the place of business pertaining to the designation, conforms to each item of Article 118, paragraph 1 in accordance with the method specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in paragraphs 2 and 3 of the same Article.

(Designated Measurement Certification Inspection Organization)

Article 117 (1) The prefectural governor may have a designated person (hereinafter referred to as a "designated measurement certification inspection organization") execute a measurement certification inspection.

- (2) When the prefectural governor has a designated measurement certification inspection organization execute the whole or part of service of a measurement certification inspection (hereinafter referred to as "inspection service" in this section) pursuant to the provision of the preceding paragraph, he/she shall refrain from performing said inspection service in whole or in part.

(Criteria for Passing the Measurement Certification Inspection)

Article 118 (1) A specified measuring instrument shall be deemed to have passed the measurement certification inspection if the specified measuring instrument conforms to each of the following items:

- (i) The specified measuring instrument is affixed with a verification mark, etc. (in the case of a specified measuring instrument specified by the Cabinet Order set forth in Article 72, paragraph 2, limited to those for which the valid period has not yet expired).
 - (ii) The performance of the specified measuring instrument conforms to technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.
 - (iii) The instrumental error of the specified measuring instrument does not exceed the tolerance for use specified by the Ordinance the Ministry of Economy, Trade and Industry.
- (2) The conformity to item 2 of the preceding paragraph shall be determined by the method specified by the Ordinance the Ministry of Economy, Trade and Industry
- (3) The conformity to paragraph 1, item 3 shall be determined by the method specified by the Ordinance the Ministry of Economy, Trade and Industry by using a verification standard (or, with regards to the instrumental errors of the specified measuring instrument specified by the Ordinance the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph 3, a reference material specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in the same paragraph).

(Measurement Certification Inspection Mark, etc.)

Article 119 (1) A specified measuring instrument which has passed a measurement certification inspection shall be affixed with a measurement certification inspection mark pursuant to the provisions of the Ordinance of the Ministry of Economy, Trade and Industry.

- (2) A measurement certification inspection mark set forth in the preceding paragraph shall indicate the year and the month in which the measurement certification inspection was conducted.
- (3) When a specified measuring instrument that has not pass a measurement certification inspection bears a verification mark, etc., such verification mark, etc. shall be removed.

(Inspection by Certified Measurer in Lieu of Measurement Certification Inspection)

Article 120 (1) With respect to a specified measuring instrument required to undergo a measurement certification inspection pursuant to the provisions of

Article 116, paragraph 1, in the case where a certified measurer specified according to the type of specified measuring instruments by Ordinance of the Ministry of Economy, Trade and Industry, has performed an inspection thereof by the method specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 118, paragraphs 2 and 3 within the period specified by the Ordinance of the Ministry of Economy, Trade and Industry, and has affixed an indication pursuant to the provisions of Article 25, paragraph 3 as applied mutatis mutandis pursuant to the following paragraph, said specified measuring instrument shall not be required to undergo a measurement certification inspection notwithstanding the provision of Article 116, paragraph 1, if the measurement certification business operator has notified the prefectural governor having jurisdiction over its place of business thereof.

- (2) The provisions of Article 25, paragraphs 2 and 3 shall apply mutatis mutandis to the case of the preceding paragraph. In this case, the term "each item of Article 23, paragraph 1" in Article 25, paragraph 3 shall be deemed to be replaced with "each item of Article 118, paragraph 1."

(Designation of Designated Measurement Certification Inspection Organization, etc.)

Article 121 (1) A designation set forth in Article 117, paragraph 1 shall, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry, be made upon an application from a person who intends to perform an inspection service.

- (2) The provisions of Articles 27 through 33, Articles 35 through 39 and Article 106, paragraph 2 shall apply mutatis mutandis to designated measurement certification inspection organizations and measurement certification inspections. In this case, the term "the prefectural governor or the head of specified municipality" in these provisions and the term "the Minister of Economy, Trade and Industry" in Article 106, paragraph 2 shall be deemed to be replaced with "the prefectural governor", and the term "Article 20, paragraph 1" in Articles 27 through 28-2 and Article 38, item 5 shall be deemed to be replaced with "Article 117, paragraph 1."

Section 3 Specified Measurement Certification Business

(Accreditation)

Article 121-2 A person who intends to engage in the specified measurement certification business (the business specified by Cabinet Order as requiring high levels of technology to certify measurement of considerably tiny quantities of physical phenomena prescribed in Article 107, item 2; hereinafter the same

shall apply in this Article) may, in accordance with the classification specified by the Ordinance of the Ministry of Economy, Trade and Industry, obtain an accreditation of its business's conformity to each of the following items by submitting an application to the Minister of Economy, Trade and Industry or a entity designated thereby (hereinafter referred to as a "specified measurement certification accreditation organization"):

- (i) The person has a management organization necessary to properly perform the specified measurement certification business.
- (ii) The person has technological competency necessary to accurately and smoothly perform the specified measurement certification business.
- (iii) The person has implemented service implementation procedures necessary to properly perform the specified measurement certification business.

(Issuance of Certificate)

Article 121-3 (1) When a person who has obtained an accreditation set forth in the preceding Article (hereinafter referred to as an "accredited specified measurement certification business operator") has performed a measurement certification service pertaining to the business classification accredited set forth in the same Article, the accredited specified measurement certification business operator may issue a certificate with a mark specified by the Ordinance of the Ministry of Economy, Trade and Industry affixed that shall state the matters specified by the Ordinance of the Ministry of Economy, Trade and Industry.

- (2) No person shall affix to any certificate pertaining to measurement certifications a mark set forth in the preceding paragraph or any mark confusingly similar thereto, except in the case prescribed in the preceding paragraph.
- (3) In addition to what is provided for in the preceding paragraph, an accredited specified measurement certification business operator shall not affix to any item other than certificates pertaining to measurement certifications a mark set forth in paragraph 1 or any mark confusingly similar thereto.

(Renewal of Accreditation)

Article 121-4 (1) An accreditation set forth in Article 121-2 shall cease to be effective upon expiration of a period of not less than three years specified by Cabinet Order unless renewed at each such time.

- (2) The provisions of Article 121-2 and paragraph 1 of the preceding Article shall apply mutatis mutandis to the renewal of accreditation set forth in the preceding paragraph.

(Rescission of Accreditation)

Article 121-5 The Minister of Economy, Trade and Industry may, when an accredited specified measurement certification business operator falls under any of the following items, rescind its accreditation:

- (i) The accredited specified measurement certification business operator has become noncompliant with any of the items of Article 121-2.
- (ii) The accredited specified measurement certification business operator has obtained an accreditation set forth in Article 121-2 or renewed an accreditation set forth in paragraph 1 of the preceding Article 1 by wrongful means.

(Application, mutatis mutandis)

Article 121-6 The provisions of Article 41, Article 65 and Article 66 shall apply mutatis mutandis to accredited specified measurement certification business operators.

Section 4 Specified Measurement Certification Accreditation Organizations

(Application for Designation)

Article 121-7 A designation set forth in Article 121-2 shall be made for each classification specified by the Ordinance of the Ministry of Economy, Trade and Industry upon an application submitted pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry by a person who intends to perform accreditation set forth in the same Article.

(Criteria for Designation)

Article 121-8 The Minister of Economy, Trade and Industry shall not make a designation unless he/she finds that an application for the designation set forth in Article 121-2 conform to each of the following criteria:

- (i) An accreditation set forth in Article 121-2 (hereinafter referred to simply as an "accreditation" in this Article and the following Article) is executed by those with knowledge and experience that conform to the requirements specified by the Ordinance of the Ministry of Economy, Trade and Industry, and the number of such persons is not less than the number specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- (ii) In the case of a juridical person, the organization of its officers or members specified by the Ordinance of the Ministry of Economy, Trade and Industry for each type of juridical persons is not likely to adversely affect fair implementation of an accreditation.
- (iii) In addition to what is provided for in the preceding paragraph, the juridical person conforms to other criteria specified by the Ordinance of the

Ministry of Economy, Trade and Industry as those that are unlikely to cause any unfair accreditation.

- (iv) The applicant has a financial basis necessary for an appropriate and smooth accreditation service.
- (v) Granting of a designation herein does not result in the impediment to an appropriate and smooth implementation of an accreditation pertaining to the application.

(Obligation of Accreditation)

Article 121-9 (1) A specified measurement certification accreditation organization shall perform an examination for an accreditation without delay upon a request for the accreditation unless there are justifiable grounds for refusing to do so.

(2) A specified measurement certification accreditation organization shall, in conducting an accreditation, cause a person prescribed in paragraph 1 of the preceding Article to perform such accreditation.

(Application, mutatis mutandis)

Article 121-10 The provisions of Article 27, Article 28-2, Articles 30 through 32, Articles 35 through 38 and Article 106, paragraph 2 shall apply mutatis mutandis to specified measurement certification accreditation organizations and an accreditation set forth in Article 121-2. In this case, the term "the prefectural governor or the head of specified municipality" in these provisions shall be deemed to be replaced with "the Minister of Economy, Trade and Industry", the term "Article 20, paragraph 1" in Article 27, Article 28-2, paragraph 1 and Article 38, item 5 shall be deemed to be replaced with "Article 121-2", the term "The preceding three Articles" in Article 28-2, paragraph 2 shall be deemed to be replaced with "Article 27 as applied mutatis mutandis pursuant to Article 121-7, Article 121-8 and Article 121-10", the term "Article 28, item 2" Article 35 shall be deemed to be replaced with "Article 121-8, item 1", and the term "items 1 through 5 of Article 28" in Article 37 shall be deemed to be replaced with "items 1 through 4 of Article 121-8."

Chapter VII Proper Measurement Control

Section 1 Certified Measurers

(Registration)

Article 122 (1) The Minister of Economy, Trade and Industry shall register as a certified measurer a person with knowledge and experience necessary to properly perform inspections of measuring instruments and other measurement control activities.

- (2) A person who falls under any of the following items may become a certified measurer by obtaining a registration pursuant to the provision of the preceding paragraph according to the classification of certified measurers specified by the Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to simply as "the classification of certified measurers") by which its name, date of birth and other necessary matters specified by the Ordinance of the Ministry of Economy, Trade and Industry:
- (i) A person who has passed the national certified measurer examination and conforms to the practical experience requirements and other requirements specified by the Ordinance of the Ministry of Economy, Trade and Industry according to the classification of certified measurers.
 - (ii) A person who is a graduate of the course provided by the National Institute of Advanced Industrial Science and Technology (hereinafter referred to as the "AIST") set forth in Article 166, paragraph 1, conforms to the practical experience requirements and other requirements specified by the Ordinance of the Ministry of Economy, Trade and Industry according to the classification of certified measurers, and has been certified by the Measurement Administration Council as having the equivalent or higher level of academic knowledge and experience to that of the person listed in the preceding item.
- (3) Any person who falls under any of the following items may not receive a registration pursuant to the provision of paragraph 1:
- (i) A person who has been sentenced to a fine or severer punishment by violating this Act or any order pursuant to this Act, and one year has not passed from the date on which the enforcement of such punishment has been completed or has become not applicable.
 - (ii) A person whose registration as a certified measurer has been rescinded pursuant to the provision of the following Article and one year has not passed from the day of such rescission

(Rescission of Registration, etc.)

Article 123 The Minister of Economy, Trade and Industry may, when a certified measurer falls under any of the following items, rescind his/her registration, or order the suspension of the use of the title of a certified measurer for a fixed period of time not exceeding one year.

- (i) The certified measurer has violated any provision of this Act or any order under this Act.
- (ii) The certified measurer has committed wrongful acts pertaining to specified measuring instrument inspection service except in the case prescribed in the preceding item.
- (iii) The certified measurer has obtained a registration set forth in paragraph 1

of the preceding Article by wrongful means.

(Restriction of Use of Title)

Article 124 Any person who is not a certified measurer shall not use the title of certified measurer.

(National Certified Measurer Examination)

Article 125 The national certified measurer examination shall be implemented at least once a year by the Minister of Economy, Trade and Industry in accordance with the classification of certified measurers in order to assess the knowledge and skills necessary for inspecting measuring instruments and for other measurement control activities.

(Delegation to Cabinet Order and the Ordinance of the Ministry)

Article 126 In addition to what is provided for in Article 122 through the preceding Article, an application for registration, the issuance, revision, reissuance and return of a registration certificate, the issuance of a certified copy or inspection of registry, and other matters pertaining to registration of certified measurer shall be prescribed by Cabinet Order, and the examination subjects, examination procedures and other matters pertaining to the national certified measurer examination shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

Section 2 Proper Measurement Control Business Places

(Designation)

Article 127 (1) The Minister of Economy, Trade and Industry shall designate as a proper measurement control business place a place of business where a specified measuring instrument is used and proper measurement control is performed.

(2) A person who intends to receive a designation set forth in the preceding paragraph shall submit an application to the Minister of Economy, Trade and Industry through the prefectural governor having jurisdiction over said person's place of business where a specified measuring instrument is used (or, in the case where its place of business is located within the jurisdiction of the specified municipality, through the head of the specified municipality), which shall state the following matters:

- (i) Name and address, and, in the case of juridical person, name of its representative
- (ii) Name and location of the place of business
- (iii) Name, performance and number of specified measuring instruments to be

used

- (iv) Name, registration number and classification of the certified measurer who performs the inspection of specified measuring instruments to be used
 - (v) Matters pertaining to the method of measurement control (limited to those specified by the Ordinance of the Ministry of Economy, Trade and Industry)
- (3) A person who has submitted an application set forth in paragraph 1 shall receive an inspection by the prefectural governor or the head of the specified municipality regarding the method of measurement control at said place of business without delay.
- (4) The prefectural governor or the head of the specified municipality who has implemented an inspection pursuant to the provisions of the preceding paragraph shall report to the Minister of Economy, Trade and Industry the result of said inspection pursuant to the provisions of the Ordinance of the Ministry of Economy, Trade and Industry.

(Criteria for Designation)

Article 128 The Minister of Economy, Trade and Industry shall, when he/she finds that an application for the designation set forth in paragraph 1 of the preceding Article conforms to each of the following items, make a designation:

- (i) A certified measurer specified by the Ordinance of the Ministry of Economy, Trade and Industry for each type of specified measuring instrument periodically inspects specified measuring instruments used in the place of business pursuant to the provisions of the Ordinance of the Ministry of Economy.
- (ii) In addition, the method of measurement control conforms to the standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(Bookkeeping)

Article 129 A person who has received a designation set forth in Article 127, paragraph 1 shall, pursuant to the provisions of the Ordinance of the Ministry of Economy, Trade and Industry, prepare books, enter in the books the results of inspections performed by a certified measurer of specified measuring instruments used in said proper measurement control business place, and keep such books.

(Sign)

Article 130 (1) A person who has received a designation set forth in Article 127, paragraph 1 may display a sign in the form specified by the Ordinance of the Ministry of Economy, Trade and Industry at its proper measurement control business place.

(2) No person shall display a sign set forth in the preceding paragraph or any

sign confusingly similar thereto, except in the case prescribed in the preceding paragraph.

(Order for Compliance)

Article 131 The Minister of Economy, Trade and Industry may, when he/she finds that a person who has received a designation set forth in Article 127, paragraph 1 has become noncompliant with each item of Article 128, order the person to take necessary measures for compliance therewith.

(Rescission of Designation)

Article 132 The Minister of Economy, Trade and Industry may, when a person who has received a designation set forth in Article 127, paragraph 1 falls under any of the following items, rescind its designation:

- (i) The person has violated the provision of Article 130, paragraph 2 or Article 62, paragraph 1 as applied mutatis mutandis pursuant to the following Article.
- (ii) The person has fallen under Article 92, paragraph 1, item 1 or 3 as applied mutatis mutandis pursuant to the following Article.
- (iii) The person has violated an order pursuant to the provision of the preceding Article.
- (iv) The person has received a designation set forth in Article 127 paragraph 1 by wrongful means.

(Application, mutatis mutandis)

Article 133 The provision of Article 92, paragraph 1 shall apply mutatis mutandis to a designation set forth in Article 127, paragraph 1, and the provisions of Article 61, Article 62, Article 65 and Article 66 shall apply mutatis mutandis to persons who have received a designation set forth in Article 127, paragraph 1. In this case, the term "two years" in Article 92, paragraph 1, items 1 and 2 shall be deemed to be replaced with "one year", the term "Article 99" in the same items shall be deemed to be replaced with "Article 132", the term "paragraph 1 of the preceding Article" in Article 61 shall be deemed to be replaced with "Article 92, paragraph 1 as applied mutatis mutandis pursuant to Article 133", the term "each item of Article 59" in Article 62, paragraph 1 shall be deemed to be replaced with "each item of Article 127, paragraph 2."

Chapter VIII Calibration, etc. of Measuring Instruments

Section 1 Calibration, etc. using Specified Standard Instruments

(Designation of Specified Standard Instruments, etc.)

Article 134 (1) The Minister of Economy, Trade and Industry shall designate a measuring instrument used as a standard for measuring instruments which represents the quantities of specified physical phenomena, or an appliance, machine or equipment for manufacturing a reference material which represents such quantities.

(2) The Minister of Economy, Trade and Industry shall, in designating, pursuant to the provision of the preceding paragraph, a measuring instrument used as a standard for measuring instruments which represents the quantities of specified physical phenomena, also designate a measuring instrument which has been calibrated by using the specified standard instrument and he/she finds it appropriate to be used for calibrating measuring instruments in lieu of the specified standard instrument, when he/she finds it inappropriate to repeatedly use a measuring instrument pertaining to the designation (hereinafter referred to as a "specified standard instrument") for the purpose of calibrating measuring instruments.

(3) The Minister of Economy, Trade and Industry may, when he/she finds that a specified standard instrument or a reference material manufactured by using appliances, machines or equipment pertaining to a designation pursuant to the provision of paragraph 1 (hereinafter referred to as a "specified reference material") has become unsuitable to be used as a standard for measuring instruments which represents the quantities of the specified physical phenomena, rescind its designation. In this case, when a designation pursuant to the provision of the preceding paragraph has been made for the specified standard instrument pertaining to the rescission of the designation, such designation shall be also rescinded.

(4) The Minister of Economy, Trade and Industry may, when he/she finds that a measuring instrument pertaining to a designation pursuant to the provision of paragraph 2 has become unsuitable to be used for calibrating measuring instruments in lieu of a specified standard instrument, rescind its designation.

(Calibration, etc. Using Specified Standard Instruments)

Article 135 (1) Calibration of a measuring instrument or valuing of a reference material using a specified standard instrument, a measuring instrument pertaining to a designation pursuant to the provision of paragraph 2 of the preceding Article (hereinafter referred to as "specified standard instrument, etc."), or a specified reference material (hereinafter referred to as "calibration, etc. using specified standard instruments") shall be executed by the Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation or a person designated by the Minister of Economy, Trade and Industry (hereinafter referred to as a "designated calibration organization").

(2) The Minister of Economy, Trade and Industry shall, when he/she, Japan

Electric Meters Inspection Corporation or a designated calibration organization executes calibration, etc. using specified standard instruments pursuant to the provision of the preceding paragraph, publicly notify the following matters:

- (i) The person who performs calibration, etc. using specified standard instruments
 - (ii) The measuring instrument or the reference material for which calibration, etc. using specified standard instruments is executed.
 - (iii) The specified standard instrument or the specified reference material to be used for calibration, etc. using specified standard instruments, etc.
- (3) The Minister of Economy, Trade and Industry shall, when it has become impossible to execute calibration, etc. using specified standard instruments pertaining to the public notice pursuant to the provision of the preceding paragraph, publicly notify thereof.

(Issuance of Certificate, etc.)

Article 136 (1) The Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation or a designated calibration organization shall, after having executed calibration, etc. using specified standard instruments, issue a certificate with a mark specified by the Ordinance of the Ministry Economy, Trade and Industry stating matters specified by the Ordinance of the Ministry Economy, Trade and Industry.

- (2) No person shall affix to any certificate pertaining to the calibration of measuring instruments or the valuing of reference materials (hereinafter referred to as "calibration, etc. of measuring instruments") a mark set forth in the preceding paragraph or any mark that is confusingly similar thereto, except in the case prescribed in the said paragraph.
- (3) In addition to what is provided for in the preceding paragraph, any designated calibration organization and any person who has obtained an accreditation set forth in Article 143, paragraph 1 shall not affix to any item other than certificates pertaining to calibration, etc. of measuring instruments, a mark set forth in paragraph 1 or any mark that is confusingly similar thereto.

(Obligation to Perform Calibration using Specified Standard Instruments)

Article 137 The Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation or a designated calibration organization shall, when requested to perform calibration, etc. of measuring instruments, perform calibration, etc. using specified standard instrument unless there are justifiable grounds for refusing to do so.

(Application for Designation)

Article 138 A designation set forth in Article 135, paragraph 1 shall be made,

designating the scope of permitted services, pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry upon an application of a person who intends to perform calibration, etc. of measuring instruments.

(Disqualification)

Article 139 Any person who falls under any of the following items may not receive a designation set forth in Article 135, paragraph 1:

- (i) A person who has been sentenced to a fine or severer punishment by violating this Act or any order pursuant to this Act, and two years have not passed from the date on which the enforcement of such punishment has been completed or has become not applicable.
- (ii) A person whose designation set forth in Article 135, paragraph 1 has been rescinded pursuant to the provision of Article 141 and two years have not passed from the day of such rescission (excluding those whose designation set forth in Article 135, paragraph 1 has been rescinded for the reason that the person has fallen under Article 141, item 3 due to the fact that such designation made pursuant to the provision of Article 134, paragraph 1 or 2 has been rescinded pursuant to the provision of Article 134, paragraph 3 or 4).
- (iii) A juridical person with an operating director who falls under paragraph 1.

(Criteria for Designation)

Article 140 The Minister of Economy, Trade and Industry shall not make a designation unless he/she finds that an application for designation set forth in Article 135, paragraph 1 conforms to each of the following items:

- (i) The applicant is a person who performs calibration of a measuring instrument using specified standard instruments, etc. or a person who manufactures a specified reference material by using appliances, machines or equipment pertaining to a designation pursuant to the provision of Article 134, paragraph 1 and performs calibration of a measuring instrument or valuing of a reference material by using the specified reference material so manufactured.
- (ii) The applicant has technological competency and a financial basis necessary to accurately and smoothly perform the service of calibration, etc. with specified standard instruments.
- (iii) In the case of a juridical person, the organization of its officers or members specified by the Ordinance of the Ministry of Economy, Trade and Industry for each type of juridical person is not likely to adversely affect fair implementation of calibration, etc. using specified standard instruments.
- (iv) In addition to what is provided for in the preceding item, juridical persons shall conform to other criteria specified by the Ordinance of the Ministry of

Economy, Trade and Industry as those that are unlikely to cause any unfair calibration, etc. using specified standard instruments.

(Rescission, etc. of Designation)

Article 141 The Minister of Economy, Trade and Industry may, when a designated calibration organization falls under any of the following items, rescind its designation, or order the suspension of the service of calibration, etc. using specified standard instruments in whole or in part for a fixed period of time.

- (i) The designated calibration organization has violated any of the provisions provided in this Section.
- (ii) The designated calibration organization has fallen under Article 139, item 1 or 3.
- (iii) The designated calibration organization has become non-conforming to item 1 of the preceding Article.
- (iv) The designated calibration organization has performed the service of calibration, etc. using specified standard instruments not pursuant to its service rules to which an approval set forth in Article 30, paragraph 1 as applied mutatis mutandis pursuant to the following article has been granted.
- (v) The designated calibration organization has violated an order pursuant to the provision of Article 30, paragraph 3 or Article 37 as applied mutatis mutandis pursuant to the following Article.
- (vi) The designated calibration organization has obtained a designation set forth in Article 135, paragraph 1 by wrongful means.

(Application, mutatis mutandis)

Article 142 The provisions of Article 28-2, Articles 30 through 32, Article 36, Article 37 and Article 106, paragraph 2 shall apply mutatis mutandis to designated calibration organizations and calibration, etc. using specified standard instruments. In this case, the term "the prefectural governor or the head of a specified municipality" in these provisions shall be deemed to be replaced with "the Minister of Economy, Trade and Industry", the term "Article 20, paragraph 1" in Article 28-2 shall be deemed to be replaced with "Article 135, paragraph 1", and the term "items 1 through 5 of Article 28" in Article 37 shall be deemed to be replaced with "items 2 through 4 of Article 140."

Section 2 Calibration, etc. using Measuring Instruments Other Than Specified Standard Instruments

(Registration)

Article 143 (1) A person engaged in the business of calibration, etc. of measuring

instruments may receive a registration by submitting an application to the Minister of Economy, Trade and Industry according to the quantity of physical phenomena represented by a measuring instrument to be calibrated or to the quantity of physical phenomena attached to a reference material to be valued. In this case, the necessary procedures pertaining to the registration shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

- (2) The Minister of Economy, Trade and Industry shall, when an application for the registration set forth in the preceding paragraph conforms to all of the following requirements, grant a registration:
- (i) The applicant performs calibration, etc. of measuring instruments by using a measuring instrument or a reference material, of which calibration, etc. using specified standard instruments has been performed, or by using a measuring instrument or a reference material, of which the calibration, etc. of measuring instruments has been performed in a gradual manner together with the initially mentioned measuring instrument or the initially mentioned reference material.
 - (ii) The applicant conforms to the standards regarding calibration organizations set forth by the International Organization for Standardization and the International Electrotechnical Commission.
- (3) A registration set forth in paragraph 1 shall be made by stating the matters listed in the following items on the registry.
- (i) Date of registration, and registration number
 - (ii) Name and address of the registered person, and in the case of a juridical person, name of its representative
 - (iii) Name and location of the place of business where the registered person performs calibration, etc. of measuring instruments.
 - (iv) Description about whether the registered person performs calibration of measuring instruments or valuing of reference materials
 - (v) Quantity of physical phenomena represented by a measuring instrument to be calibrated by the registered person or of physical phenomena attached to a reference material to be valued by the registered person

(Issuance of Certificate)

Article 144 (1) When a person who received a registration set forth in the preceding Article (hereinafter referred to as a "registered operator") has, as set forth in paragraph 2, item 1 of the same Article, performed calibration, etc. of measuring instruments by using a measuring instrument or a reference material, of which calibration, etc. using specified standard instruments, etc. has been performed, or by using a measuring instrument or a reference material, of which the calibration, etc. of measuring instruments has been performed in a gradual manner together with the initially mentioned

measuring instrument or the initially mentioned reference material, the person may issue a certificate stating matters specified by the Ordinance of the Ministry of Economy, Trade and Industry and affix a mark specified by the Ordinance of the Ministry of Economy, Trade and Industry.

- (2) In the case where a registered operator performs calibration, etc. of measuring instruments, with regard to a measuring instrument or a reference material to be sold or lent by the registered operator itself, the registered operator may sell or lend such measuring instrument or reference material together with a certificate set forth in the preceding paragraph.
- (3) No person shall affix to any certificate pertaining to calibration, etc. of measuring instruments a mark set forth in paragraph 1 or any mark that is confusingly similar thereto, except in the case prescribed in the preceding two paragraphs.
- (4) In addition to what is provided for in the preceding paragraph, a registered operator shall not affix to any article other than certificates pertaining to calibration, etc. of measuring instruments, a mark set forth in paragraph 1 or any mark that is confusingly similar thereto.

(Renewal of Registration)

- Article 144-2 (1) The registration set forth in Article 143, paragraph 1 shall cease to be effective upon expiration of a period of not less than three years if not renewed at intervals specified by Cabinet Order unless renewed each time.
- (2) The provision of Article 143 shall apply mutatis mutandis to renewal of registration set forth in the preceding paragraph.

(Rescission of Registration)

- Article 145 The Minister of Economy, Trade and Industry may, when a registered operator falls under any of the following items, rescind its registration.
- (i) The registered operator has become noncompliant with any of the items of Article 143, paragraph 2.
 - (ii) The registered operator has received a registration set forth in Article 143, paragraph 1 by wrongful means.

(Application, mutatis mutandis)

- Article 146 The provisions of Article 41, Article 65 and Article 66 shall apply mutatis mutandis to registered operators.

Chapter IX Miscellaneous Provisions

(Collection of Report)

Article 147 (1) The Minister of Economy, Trade and Industry, the prefectural governor or the head of a specified municipality may, within the limit necessary for the enforcement of this Act and pursuant to the provisions of Cabinet Order, cause a notifying manufacturing business operator, a notifying repair business operator, a person engaged in the business of sales of measuring instruments, a designated manufacturer, a special container importer, an import business operator, a certified measurer, a registered operator or person who performs measurements for the purpose of transactions or certifications (including those engaged in the sales of specified commodities sealed regarding the quantity of specified physical phenomena and packaged in a container or wrapping which indicates such quantity (hereinafter referred to as "specified commodities with the indication of the quantity of specified physical phenomena"); the same shall apply in paragraph 1 of the following Article) to report its business operations.

(2) The Minister of Economy, Trade and Industry may, within the limit necessary for the enforcement of this Act, cause a designated verification body, a specified measurement certification accreditation organization or a designated calibration organization to report its business or financial conditions.

(3) The prefectural governor or the head of a specified municipality may, within the limit necessary for the enforcement of this Act, cause a designated periodic inspection body or a designated measurement certification inspection organization to report its business or financial conditions.

(On-Site Inspection)

Article 148 (1) The Minister of Economy, Trade and Industry, the prefectural governor or the head of a specified municipality may, within the limit necessary for the enforcement of this Act, cause its officials to enter the factory, workplace, business office, administrative office, place of business or warehouse of a notifying manufacturing business operator, a notifying repair business operator, a person engaged in the business of sales of measuring instruments, a designated manufacturer, a special container importer, an import business operator, a certified measurer, a registered business operator or a person who performs measurements for the purpose of transactions or certifications to inspect its measuring instruments, instruments, machines or equipment for inspecting measuring instruments, special containers, specified commodities with the indication of the quantity of specified physical phenomena, books, documents and other materials, or to ask questions to people concerned.

(2) The Minister of Economy, Trade and Industry may, within the limit necessary for the enforcement of this Act, cause its officials to enter the administrative office or place of business of a designated verification body, specified

measurement certification accreditation organization or designated calibration organization to inspect its business condition, books, documents or other materials, or to ask questions to the people concerned.

- (3) The prefectural governor or the head of a specified municipality may, within the limit necessary for the enforcement of this Act, cause its officials to enter the administrative office or place of business of a designated periodic inspection body or a designated measurement certification inspection body and to inspect its business condition, books, documents or other materials, or to ask questions to people concerned.
- (4) The official who enters and inspects pursuant to the provisions of the preceding three paragraphs shall carry a certificate for identification and produce it to the people concerned.
- (5) The authority pursuant to the provisions of paragraphs 1 through 3 shall not be construed as being granted for the purposes of criminal investigation.

(Submission of Measuring instruments)

Article 149 (1) The Minister of Economy, Trade and Industry, the prefectural governor or the head of a specified municipality may, when he/she has caused its officials to make an inspection pursuant to the provision of paragraph 1 of the preceding Article and find any measuring instrument, special container or specified commodities with the indication of the quantity of specified physical phenomena which is deemed considerably difficult to be inspected by them at the place such items are located, order its owner or possessor to submit the same within a fixed period of time.

- (2) The Minister of Economy, Trade and Industry may, when he/she has caused the AIST or the National Institute of Technology and Evaluation (hereinafter referred to as the "NITE") to make an inspection pursuant to the provisions of Article 168-3, paragraph 1 or Article 168-6, paragraph 1 and find any measuring instrument, special container or specified commodities with the indication of the quantity of specified physical phenomena which is deemed considerably difficult to be inspected by them at the place such items are located, order its owner or possessor to submit the same within a fixed period of time.
- (3) The State, the prefecture or a specified municipality shall compensate an owner or a possessor for any loss arising out of an order pursuant to the provision of the preceding two paragraphs.
- (4) The loss to be compensated pursuant to the provisions of the preceding paragraph shall be a loss which normally occurs in relation to an order set forth in paragraph 1 or 2.

(Erasure of Indication of Quantity of Specified Physical Phenomena)

Article 150 (1) The prefectural governor or the head of a specified municipality may, when he/she, pursuant to the provisions of Article 148, paragraph 1, has caused its officials to make an inspection of a specified commodity with the indication of the quantity of specified physical phenomena pursuant to the provision of the Ordinance of the Ministry of Economy, Trade and Industry and find that the error of the quantity of specified physical phenomena of the specified commodity exceeds the quantity tolerance, erase the indication of the quantity of specified physical phenomena.

(2) The prefectural governor or the head of a specified municipality shall, when he/she intends to make a disposition pursuant to the provisions of the preceding paragraph, notify the owner or possessor of the specified commodities of the reasons thereof.

(Removal of Verification Mark, etc.)

Article 151 (1) The Minister of Economy, Trade and Industry, the prefectural governor or the head of a specified municipality may, when he/she has caused its officials to make an inspection pursuant to the provisions of Article 148, paragraph 1 of a specified measuring instrument (excluding those specified by the Cabinet Order set forth in Article 16, paragraph 1) used for measurements in statutory measurement units for transactions or certifications and find that the specified measuring instrument falls under any of the following items, remove the verification mark, etc. affixed to the specified measuring instrument.

(i) Its performance does not conform to the technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(ii) Its instrumental error exceeds the tolerance for use specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(iii) In the case of specified measuring instruments specified by the Cabinet Order set forth in Article 72, paragraph 2, the valid period of a verification mark, etc. affixed thereto has already expired.

(2) The conformity to item 1 of the preceding paragraph shall be determined by the method specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(3) The conformity to item 2 of the preceding paragraph shall be determined by the method specified by the Ordinance of the Ministry of Economy, Trade and Industry by using a verification standard (or, for instrumental errors of a specified measuring instrument specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph 3, a reference material specified by the Ordinance of the Ministry of Economy, Trade and Industry set forth in the same paragraph.).

(4) The Minister of Economy, Trade and Industry, the prefectural governor or the

head of a specified municipality shall, when he/she intends to make a disposition pursuant to the provision of paragraph 1, notify the owner or possessor of the specified measuring instrument of the reasons thereof.

(Removal of Matching Number)

Article 152 (1) The Minister of Economy, Trade and Industry may, when he/she has caused its officials to make an inspection, pursuant to the provisions of Article 148, paragraph 1, of an electric meter and a transformer used therewith which are used for measurements in statutory measurement units for transactions or certifications and find that the electric meter and the transformer used therewith fall under any of the following items, remove a matching number set forth in Article 74, paragraph 2 or 3 affixed thereto.

- (i) The structure and error of the transformer do not conform to the technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.
 - (ii) The error of the electric meter, when used together with the transformer, exceeds the tolerance specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- (2) The conformity to each of the items of the preceding paragraph shall be determined by the method specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- (3) The provision of paragraph 4 of the preceding Article shall apply mutatis mutandis to a disposition pursuant to the provisions of paragraph 1.

(Removal of Fitting Inspection Mark)

Article 153 (1) The Minister of Economy, Trade and Industry, the prefectural governor or the head of a specified municipality may, when he/she has caused its officials to make an inspection, pursuant to the provisions of Article 148, paragraph 1, of a measuring instrument for fitting to vehicles, etc. fitted to machinery and used for measurements in statutory measurement units for transactions or certifications and find that the measuring instrument for fitting to vehicles, etc. falls under any of the following items, remove a fitting inspection mark set forth in Article 75, paragraph 2 affixed to the measuring instrument for fitting to vehicles, etc.

- (i) The measuring instrument for fitting to vehicles, etc. does not conform to the technical standards specified by the Ordinance of the Ministry of Economy, Trade and Industry.
 - (ii) The valid period of a fitting inspection mark set forth in Article 75, paragraph 2 has already expired.
- (2) The conformity to item 1 of the preceding paragraph shall be determined by the method specified by the Ordinance of the Ministry of Economy, Trade and

Industry.

- (3) The provision of Article 151, paragraph 4 shall apply mutatis mutandis to a disposition pursuant to the provisions of paragraph 1.

(Removal of Verification Mark, etc. not by On-Site Inspection)

Article 154 (1) In addition to what is provided for in Article 151, paragraph 1, the Minister of Economy, Trade and Industry, the prefectural governor or the head of a specified municipality may remove a verification mark, etc. affixed to a specified measuring instrument specified by Cabinet Order and used for measurements in statutory measurement units for transactions or certifications if such measuring instrument falls under any of the items of the same paragraph.

- (2) In addition to what is provided for in Article 152, paragraph 1, the Minister of Economy, Trade and Industry may remove a matching number set forth in Article 74, paragraph 2 or 3 affixed to an electric meter and transformer used therewith if the electric meter is used for measurements in statutory measurement units for transactions or certifications together with the transformer and falls under any of the items of Article 152, paragraph 1.

- (3) The provisions of Article 151, paragraphs 2 through 4 shall apply mutatis mutandis to the case of paragraph 1 of this Article and the provisions of Article 151, paragraph 4 and Article 152, paragraph 2 shall apply mutatis mutandis to the case of the preceding paragraph of this Article. In this case, the term "reason" in Article 151, paragraph 4 shall be deemed to be replaced with "time and reason."

(Deliberation)

Article 155 The prefectural governor or the head of a specified municipality shall deliberate in April of each year on matters that pertain to the execution of affairs in such specified municipalities under its authority according to this Act.

(Measurement Administration Council)

Article 156 (1) The Measurement Administration Council (hereinafter referred to as the "Council") shall be established within the Ministry of Economy, Trade and Industry.

- (2) The Council shall handle matters within the scope of its authority granted pursuant to the provisions of this Act.
- (3) The Council shall consist of one chairperson and nineteen or fewer council members, each of whom is appointed from among persons with relevant knowledge and experience by the Minister of Economy, Trade and Industry.
- (4) In addition to what is provided for in the preceding paragraph, any necessary matters pertaining to the organization and management of the Council shall be

prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Consultation with Council)

Article 157 The Minister of Economy, Trade and Industry shall consult with the Council in the following cases:

- (i) When he/she plans to establish, amend or abolish the Cabinet Order set forth in Article 2, paragraph 1, item 2 or 4, Article 3, Article 4, paragraph 1 or 2, Article 5, paragraph 2, Article 12, paragraph 2, Article 13, paragraph 1, Article 16, paragraph 1, Article 51, paragraph 1, Article 53, paragraph 1, Article 57, paragraph 1 or Article 72, paragraph 2, Cabinet Order specifying commodities set forth in Article 12, paragraph 1, or Cabinet Order specifying specified measuring instruments set forth in Article 19, paragraph 1.
- (ii) When he/she intends to make a designation pursuant to the provision of Article 134, paragraph 1 or 2 or to rescind such designation pursuant to the provision of paragraph 3 or 4 of the same Article.
- (iii) When he/she intends to execute, cause Japan Electric Meters Inspection Corporation to execute, or abort calibration, etc. with specified standard instrument, etc. pursuant to the provision of Article 135, paragraph 1

(Fees)

Article 158 (1) The following persons (limited to those who intend to undertake procedures for the Minister of Economy, Trade and Industry, the AIST, the NITE or Japan Electric Meters Inspection Corporation) shall pay fees in an amount specified by Cabinet Order in consideration of the actual expenses; provided, however, this shall not apply to the case where the Minister of Economy, Trade and Industry, the prefectural governor, the head of a specified municipality, Japan Electric Meters Inspection Corporation, a designated periodic inspection body, a designated verification body or a designated measurement certification inspection organization undergoes an inspection of verification standards with regard to a measuring instrument used for an inspection pursuant to the provision of this Act or an order pursuant to this Act:

- (i) A person who intends to obtain a designation set forth in Article 17, paragraph 1
- (ii) A person who intends to undergo a verification test
- (iii) A person who intends to undergo an inspection of an electric meter with a transformer
- (iv) A person who intends to undergo a fitting inspection
- (v) A person who intends to obtain an approval set forth in Article 76, paragraph 1, Article 81, paragraph 1 or Article 89, paragraph 1 (excluding those who intend to obtain such approval with regard to a type of a specified

- measuring instrument which has passed a test set forth in Article 78, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 81, paragraph 2 or Article 89, paragraph 3))
- (vi) A person who intends to obtain the renewal of an approval set forth in Article 83, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 89, paragraph 3; the same shall apply in paragraph 3)
 - (vii) A person who intends to obtain a designation set forth in Article 16, paragraph 1, item 2 (b)
 - (viii) A person who intends to undergo an inspection set forth in Article 91, paragraph 2
 - (ix) A person who intends to undergo an inspection of verification standards
 - (x) A person who intends to obtain an accreditation set forth in Article 121-2
 - (xi) A person who intends to obtain the renewal an accreditation set forth in Article 121-4, paragraph 1
 - (xii) A person who intends to obtain a revision or reissuance of a registration certificate as a certified measurer
 - (xiii) A person who intends to request the issuance of a certified copy or inspection of registry of certified measurers
 - (xiv) A person who intends to take the national certified measurer examination
 - (xv) A person who intends to receive a designation as a proper measurement control business place
 - (xvi) A person who intends to obtain a registration set forth in Article 143, paragraph 1
 - (xvii) A person who intends to renew a registration set forth in Article 144-2, paragraph 1
- (2) A person who intends to undergo calibration, etc. using specified standard instruments shall pay fees in an amount specified by the AIST, the NITE, Japan Electric Meters Inspection Corporation or a designated calibration organization with an approval of the Minister of Economy, Trade and Industry within the amount not exceeding the actual cost.
- (3) The fees set forth in the preceding two paragraphs paid by a person who intends to undergo a verification test, an inspection of an electric meter with a transformer or fitting inspection performed by the AIST, obtain an approval set forth in Article 76, paragraph 1, Article 81, paragraph 1 or Article 89, paragraph 1 from the AIST, obtain the renewal of an approval set forth in Article 83, paragraph 1 from the AIST, or undergo an inspection of verification standards or calibration, etc. using specified standard instruments performed by the AIST shall be the revenue of the AIST, those paid by a person who intends to obtain an accreditation set forth in Article 121-2 from the NITE, obtain the renewal of an accreditation set forth in Article 121-4, paragraph 1

from the NITE, obtain a registration set forth in Article 143, paragraph 1 from the NITE, obtain a renewal of registration set forth in Article 144-2, paragraph 1 from the NITE, or receive calibration, etc. using specified standard instruments performed by the NITE shall be the revenue of the NITE, those paid by a person who intends to undergo a verification test or an inspection of an electric meter with a transformer performed by Japan Electric Meters Inspection Corporation, obtain an approval set forth in Article 76, paragraph 1, Article 81, paragraph 1 or Article 89, paragraph 1 from Japan Electric Meters Inspection Corporation, obtain the renewal of an approval set forth in Article 83, paragraph 1 from Japan Electric Meters Inspection Corporation or receive an inspection set forth in Article 91 paragraph 2, an inspection of verification standards or calibration, etc. using specified standard instruments performed by Japan Electric Meters Inspection Corporation shall be the revenue of Japan Electric Meters Inspection Corporation, those paid by a person who intends to receive calibration, etc. using specified standard instruments performed by a designated calibration organization shall be the revenue of the designated calibration organization, and those paid by other persons shall be the revenue of the national treasury.

- (4) The prefecture or the specified municipality may, when it collects fees pertaining to a periodic inspection or measurement certification inspection pursuant to the provisions of Article 227 of the Local Government Act (Act No. 67 of 1947), cause a person who intends to receive a periodic inspection performed by a designated periodic inspection body pursuant to the provisions of Article 20, paragraph 1 or a measurement certification inspection performed by a designated measurement certification inspection organization pursuant to the provisions of Article 117, paragraph 1, pursuant to the provision of the Prefectural or Municipal Ordinances, to pay said fees to said designated periodic inspection body or measurement certification inspection organization, and treat such fees as the revenue of the prefecture or the specified municipality.

(Public Notice)

Article 159 (1) The Minister of Economy, Trade and Industry shall, in the following case, publicly notify such fact:

- (i) When he/she has made a designation set forth in Article 16, paragraph 1, item 2(a).
- (ii) When he/she has made a designation set forth in Article 16, paragraph 1, item 2(b).
- (iii) When he/she has made a designation set forth in Article 17, paragraph 1.
- (iv) When he/she has confirmed that a designation, accreditation or registration has lost its effect pursuant to the provision of Article 66

- (including the cases where it is applied mutatis mutandis pursuant to Article 69, paragraph 1, Article 100, Article 101, paragraph 3, Article 121-6 or Article 146), or rescinded a designation pursuant to the provision of Article 67 (including the cases where it is applied mutatis mutandis pursuant to Article 69, paragraph 1), or Article 69, paragraph 2.
- (v) When he/she has made an approval set forth in Article 76, paragraph 1, Article 81, paragraph 1 or Article 89, paragraph 1.
 - (vi) When he/she has confirmed that an approval has lost its effect pursuant to the provision of Article 87 (including the cases where it is applied mutatis mutandis pursuant to Article 89, paragraph 4), or rescinded an approval pursuant to the provision of Article 88 (including the cases where it is applied mutatis mutandis pursuant to Article 89, paragraph 4) or Article 89, paragraph 5.
 - (vii) When he/she has rescinded a designation pursuant to the provision of Article 99 (including the cases where it is applied mutatis mutandis pursuant to Article 101, paragraph 3) or Article 89, paragraph 5 as applied mutatis mutandis pursuant to Article 101, paragraph 3.
 - (viii) When he/she has received a notification submitted pursuant to the provision of Article 106, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 121-10 or Article 142).
 - (ix) When he/she has received a notification submitted pursuant to the provision of Article 32 as applied mutatis mutandis pursuant to Article 106, paragraph 3.
 - (x) When he/she has, pursuant to the provision of Article 38 as applied mutatis mutandis pursuant to Article 106, paragraph 3, rescinded a designation or ordered the suspension of the business of verification (including any inspection of an electric meter with a transformer, fitting inspection, test set forth in Article 78, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 81, paragraph 2 or Article 89, paragraph 3) and examination set forth in Article 93, paragraph 1].
 - (xi) When he/she has made a designation set forth in Article 121-2.
 - (xii) When he/she has granted an accreditation set forth in Article 121-2.
 - (xiii) When he/she has rescinded an accreditation pursuant to the provision of Article 121-5.
 - (xiv) When he/she has received a notification submitted pursuant to the provision of Article 32 as applied mutatis mutandis pursuant to Article 121-10.
 - (xv) When he/she has, pursuant to the provision of Article 38 as applied mutatis mutandis pursuant to Article 121-10, rescinded a designation or ordered the suspension of the business of accreditation set forth in Article 121-2.

- (xvi) When he/she has made a designation pursuant to the provision of Article 134, paragraph 1 or 2.
 - (xvii) When he/she has rescinded a designation pursuant to the provision of Article 134, paragraph 3 or 4.
 - (xviii) When he/she has made a designation set forth in Article 135, paragraph 1.
 - (xix) When he/she has, pursuant to the provision of Article 141, rescinded a designation or ordered the suspension of the business of calibration, etc. using specified standard instruments.
 - (xx) When he/she has received a notification submitted pursuant to the provision of Article 32 as applied mutatis mutandis pursuant to Article 142.
 - (xxi) When he/she has granted a registration set forth in Article 143 paragraph 1.
 - (xxii) When he/she has rescinded a registration pursuant to the provision of Article 145.
- (2) In the following case, the prefectural governor shall make a public notification of such fact:
- (i) When he/she has made a designation set forth in Article 20, paragraph 1.
 - (ii) When he/she has received a notification submitted pursuant to the provision of Article 32 (including the cases where it is applied mutatis mutandis pursuant to Article 121, paragraph 2).
 - (iii) When he/she has, pursuant to the provision of Article 38 (including the cases where it is applied mutatis mutandis pursuant to Article 121, paragraph 2), rescinded a designation or ordered the suspension of the business of periodic inspections or measurement certification inspections.
 - (iv) When he/she has, pursuant to the provision of Article 39, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 121, paragraph 2), decided that he/she will execute a periodic inspection or measurement certification inspection in whole or in part by him/herself.
 - (v) When he/she has made a designation set forth in Article 117, paragraph 1.
- (3) In the following cases, the head of a specified municipality shall make a public notification of such fact:
- (i) When he/she has made a designation set forth in Article 20, paragraph 1.
 - (ii) When he/she has received a notification submitted pursuant to the provision of Article 32.
 - (iii) When he/she has, pursuant to the provision of Article 38, rescinded a designation or ordered the suspension of the business of periodic inspections.
 - (iv) When he/she has, pursuant to the provision of Article 39, paragraph 1, decided that he/she will execute a periodic inspection in whole or in part by him/herself.
- (4) Japan Electric Meters Inspection Corporation shall, when it has granted an

approval set forth in Article 76, paragraph 1, Article 81, paragraph 1 or Article 89, paragraph 1, make a public notification of such fact.

(Due Date for Verification, etc.)

Article 160 (1) The Minister of Economy, Trade and Industry, the prefectural governor, the Japan Electric Meters Inspection Corporation or a designated verification body shall, when he/she or it has received an application for a verification test, the electric meter with a transformer inspection, the fitting inspection, the inspection of verification standards, or the approval set forth in Article 76, paragraph 1, Article 81, paragraph 1 or Article 89, paragraph 1, make a disposition of pass or fail, or of the approval or disapproval within a period specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(2) A designated verification body shall, when it has been requested to perform a test set forth in Article 78, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 81, paragraph 2 or Article 89, paragraph 3), make a determination of pass or fail within a period specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(Notification of Reason for Determination of Failure)

Article 161 In the case of paragraph 2 of the preceding Article, a designated verification body shall, when it has made a determination of fail, notify the person who has requested the implementation of the test of the reason therefor.

(Special Provisions concerning Hearing)

Article 162 (1) The Minister of Economy, Trade and Industry or the prefectural governor shall, when he/she or it intends to issue an order pursuant to the provision of Article 113 or Article 123, have a hearing notwithstanding the classification of procedures for the statement of opinions pursuant to the provision of Article 13, paragraph 1 of the Administrative Procedure Act (Act No. 88 of 1993).

(2) Proceedings on the date of the hearing pertaining to the disposition pursuant to the provision of Article 38, (including the cases where it is applied mutatis mutandis pursuant to Article 106, paragraph 3, Article 121, paragraph 2 or Article 121-10), Article 67 (including the cases where it is applied mutatis mutandis pursuant to Article 69, paragraph 1), Article 69, paragraph 2, Article 88 (including the cases where it is applied mutatis mutandis pursuant to Article 89, paragraph 4), Article 89, paragraph 5 (including the cases where it is applied mutatis mutandis pursuant to Article 101, paragraph 3), Article 99 (including the cases where it is applied mutatis mutandis pursuant to Article 101, paragraph 3), Article 113, Article 121-5, Article 123, Article 132, Article

141 or Article 145 shall be open to the public.

- (3) A person responsible for a hearing set forth in the preceding paragraph shall, when interested persons pertaining to a relevant disposition has requested, pursuant to the provision of Article 17, paragraph 1 of the Administrative Procedure Act, to participate in the proceedings of said hearing, grant permission.

(Examination Agency)

Article 163 (1) A person dissatisfied with the disposition or inaction pursuant to the provisions of this Act or any order pursuant to this Act by the AIST, the NITE, Japan Electric Meters Inspection Corporation, any designated verification body, any specified measurement certification accreditation organization or any designated calibration organization may submit an application for examination to the Minister of Economy, Trade and Industry pursuant to the Administrative Appeal Act (Act No. 160 of 1962).

- (2) A person dissatisfied with the disposition or inaction pursuant to the provisions of this Act or any order pursuant to this Act by any designated periodic inspection body or designated measurement certification inspection organization, may submit an application for examination with the prefectural governor or the head of a specified municipality pursuant to the Administrative Appeal Act.

(Hearing of Opinions in Appeal Procedures)

Article 164 (1) Any determination or decision (excluding determination and decisions of dismissal) on an application for examination or filing of an objection with regard to the disposition pursuant to the provisions of this Act or any order pursuant to this Act shall be made after collecting opinions in a public hearing to be held upon advance notice with a reasonable period of time to concerned parties involved in such disposition.

- (2) Advance notice set forth in the preceding paragraph shall include the date, place and subject matters of the hearing.
- (3) When collecting opinions as set forth in paragraph 1, an opportunity to present evidence or state their opinions concerning the subject matters shall be given to concerned parties involved in the disposition and/or interested persons.

(Measurement Investigator)

Article 165 The Minister of Economy, Trade and Industry shall appoint, from among its officials with qualifications specified by the Ordinance of the Ministry of Economy, Trade and Industry, measurement investigators and cause them to engage in affairs pertaining to appeals.

(Measurement Training)

Article 166 (1) The AIST shall offer measurement training for officials who engage in affairs pertaining to measurements in the Minister of Economy, Technology and Industry, prefectures, municipalities, designated periodic inspection bodies, designated verification bodies, designated measurement certification inspection organizations, specified measurement certification accreditation organizations and designated calibration organizations, as well as for persons who intend to become certified measurers, in order for them to acquire necessary skills and practical experience.

(2) In addition to what is provided for in the preceding paragraph, the necessary matters concerning measurement training set forth in the same paragraph shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Lending of Verification Tools, etc.)

Article 167 The Minister of Economy, Trade and Industry shall lend without charge tools necessary for periodic inspections, verification, fitting inspections, inspections of verification standards, measurement certification inspections or inspections pursuant to the provision of Article 148, paragraph 1 and specified by the Ordinance of the Ministry of Economy, Trade and Industry (excluding those subject to the application of the National Property Act (Act No. 73 of 1948) to the prefectural governor or the head of a specified municipality.

(Transitional Measures)

Article 168 In the case of enacting, amending or abolishing an order pursuant to the provisions of this Act, any required transitional measures (including transitional measures pertaining to penal provisions) may be prescribed by such order to the extent deemed reasonably necessary to enact, amend or abolish such order.

(Affairs to be Handled by AIST)

Article 168-2 The Minister of Economy, Trade and Industry shall have the AIST perform the following affairs.

- (i) Affairs pertaining to verifications pursuant to the provision of Article 16, paragraph 1, item 2 (a) (excluding those pertaining to the designation of a designated verification body)
- (ii) Affairs pertaining to the electric meter with transformer inspections pursuant to the provision of Article 16, paragraph 2
- (iii) Affairs pertaining to fitting inspections pursuant to the provision of Article 16, paragraph 3
- (iv) Affairs pertaining to verifications, electric meter with transformer

inspections and fitting inspections pursuant to the provisions of Chapter V, Section 1

- (v) Affairs pertaining to type approvals pursuant to the provisions of Chapter V, Section 2 (excluding Article 86 and Article 88 (including the cases where it is applied mutatis mutandis pursuant to Article 89, paragraph 4))
- (vi) Affairs pertaining to inspections of verification standards pursuant to the provisions of Chapter V, Section 4
- (vii) Affairs pertaining to calibration, etc. using specified standard instruments pursuant to the provisions of Articles 135 to 137 (excluding those pertaining to the designation of a designated calibration organization)
- (viii) Affairs pertaining to public notices pursuant to the provisions of Article 159, paragraph 1 (limited to those pertaining to item 5 of the same paragraph)
- (ix) Affairs pertaining to comparative inspections pursuant to the provision of Article 20 of the supplementary provisions

(On-Site Inspection by AIST)

Article 168-3 (1) The Minister of Economy, Trade and Industry may, when he/she finds necessary, have the AIST perform an on-site inspection pursuant to the provision of Article 148, paragraph 1 or 2.

(2) The Minister of Economy, Trade and Industry shall, when he/she has the AIST perform an on-site inspection pursuant to the provision of the preceding paragraph, instruct the AIST to perform such inspection by showing the AIST the location of said on-site inspection and other necessary matters.

(3) The AIST shall, when it has executed an on-site inspection in accordance with instructions set forth in the preceding paragraph, report the Minister of Economy, Trade and Industry of the result thereof.

(4) AIST officials who execute an on-site inspection pursuant to the provision of paragraph 1 shall carry a certificate for identification and produce it to the people concerned.

(Order to AIST)

Article 168-4 The Minister of Economy, Trade and Industry may, when he/she finds it necessary to ensure proper execution of an on-site inspection prescribed in paragraph 1 of the preceding Article, issue an order necessary for said service to the AIST.

(Affairs to be Handled by NITE)

Article 168-5 The Minister of Economy, Trade and Industry shall have the NITE handle the following affairs.

- (i) Affairs pertaining to an accreditation pursuant to the provision of Article

121-2

- (ii) Affairs pertaining to the renewal of an accreditation pursuant to the provisions of Article 121-4, paragraph 1
- (iii) Affairs pertaining to calibration, etc. using specified standard instruments pursuant to the provisions of Articles 135 through 137 (excluding those pertaining to the designation of a designated calibration organization)
- (iv) Affairs pertaining to calibration, etc. using an instrument other than specified standard instruments pursuant to the provisions of Chapter VIII, Section 2
- (v) Affairs pertaining to the collection of reports pursuant to the provision of Article 147, paragraph 1 (limited to those pertaining to registered operators)
- (vi) Affairs pertaining to on-site inspections pursuant to the provision of Article 148, paragraph 1 (limited to those pertaining to registered operators)
- (vii) Affairs pertaining to public notices pursuant to the provision of Article 159, paragraph 1 (limited to those pertaining to item 4 (limited to the part pertaining to the confirmation of the loss of effect of the registration pursuant to the provision of Article 66 as applied mutatis mutandis pursuant to Article 146), item 12, item 21 and item 22 of the same paragraph)

(On-Site Inspection by NITE)

- Article 168-6 (1) The Minister of Economy, Trade and Industry may, when he/she finds necessary, have the NITE perform an on-site inspection pursuant to the provision of Article 148, paragraph 1 or 2.
- (2) The provisions of Article 168-3 paragraphs 2 through 4 shall apply mutatis mutandis to on-site inspections to be executed by the NITE.

(Order to NITE)

Article 168-7 The Minister of Economy, Trade and Industry may, when he/she finds it necessary in order to ensure proper execution of the operations prescribed by Article 168-5 (limited to the part pertaining to Article 145, Article 147, paragraph 1 and Article 148, paragraph 1) and paragraph 1 of the preceding Article, issue an order necessary for said operations to the NITE.

(Affairs to be Handled by Prefectures)

Article 168-8 The part of affairs falling under the authority of the Ministry of Economy, Trade and Industry prescribed in this Act may be executed, pursuant to the provisions of Cabinet Order, by the prefectural governor.

(Delegation of Authority)

Article 169 The Minister of Economy, Trade and Industry may have the head of the Bureau of Economy, Trade and Industry execute, pursuant to the

provisions of Cabinet Order, matters that are placed under his/her authority by the provisions of this Act.

(Classifications of Affairs)

Article 169-2 (1) The affairs to be handled by prefectures pursuant to the provision of Article 40, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 42, paragraph 3, Article 45, paragraph 2 and Article 100), Article 91, paragraphs 2 and 3 and Articles 127, paragraphs 2 through 4 shall be fall under the statutory entrusted functions prescribed in Article 2, paragraph 9, item 1 of the Local Government Act.

(2) The affairs to be handled by specified municipality pursuant to the provisions of Article 127, paragraphs 2 through 4 (limited to those specified by Cabinet Order) shall fall under the statutory entrusted functions prescribed in Article 2, paragraph 9, item 1 of the Local Government Act.

Chapter X Penal Provisions

Article 170 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.

(i) A person who has violated the provision of Article 57, paragraph 1 or 2, or Article 107

(ii) A person who has violated an order pursuant to the provision of Article 113

Article 171 In the case where a designated periodic inspection body, designated verification body, designated measurement certification inspection organization, specified measurement certification accreditation organization or a designated calibration organization has violated a business suspension order pursuant to the provision of Article 38 (including the cases where it is applied mutatis mutandis pursuant to Article 106, paragraph 3, Article 121, paragraph 2 or Article 121-10) or Article 141, officers or employees of the organization who committed such violation shall be punished by imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.

Article 172 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than six months and/or a fine of not more than 500,000 yen.

(i) A person who has violated the provisions of any of paragraphs 1 through 3 of Article 16, Article 17, paragraph 2, Article 49, paragraph 1 or 3, Article 68, Article 97, paragraph 2 or Article 116, paragraph 1 or 2

(ii) A person who has affixed an indication in violation of the provision of

Article 63, paragraph 3, Article 84, paragraph 3 or Article 97, paragraph 1

Article 173 Any person who falls under any of the following items shall be punished by a fine of not more than 500,000 yen.

- (i) A person who has violated the provision of Article 8, paragraph 1 or 2, Article 9, paragraph 1, Article 18, Article 19, paragraph 1 or 2, Article 49, paragraph 2, Article 63, paragraph 2, Article 85 or Article 124
- (ii) A person who has violated an order pursuant to the provision of Article 15, paragraph 3, Article 56, Article 64, Article 86, Article 98, Article 111, Article 123 or Article 131
- (iii) A certified measurer who has stated on a certificate that he/she conforms to each item of Article 23, paragraph 1 in violation of Article 25, paragraph 3 (including the cases where it is applied mutatis mutandis pursuant to Article 120, paragraph 2)
- (iv) A person who has affixed an indication in violation of the provision of Article 50, paragraph 3 or Article 54, paragraph 3
- (v) A person who has failed to affix an indication in violation of the provision of Article 54, paragraph 1
- (vi) A person who has sold or displayed for sale a specified measuring instrument in violation of the provision of Article 55
- (vii) A person who has failed to perform an inspection, failed to prepare an inspection record, prepared a false inspection record or failed to keep an inspection record in violation of the provision of Article 95, paragraph 2
- (viii) A person who has affixed a mark in violation of the provision of Article 110-2, paragraph 2, Article 121-3, paragraph 2, Article 136, paragraph 2 or Article 144, paragraph 3
- (ix) A person who has failed to describe the result of an inspection, described the false result of an inspection or failed to keep an inspection record book in violation of the provision of Article 129
- (x) A person who has displayed a sign in violation of the provision of Article 130, paragraph 2

Article 174 Any person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen.

- (i) A person who has violated the provision of Article 40, paragraph 1, Article 46, paragraph 1 or Article 51, paragraph 1
- (ii) A person who has violated an order pursuant to the provision of Article 44, Article 48 or Article 52, paragraph 4

Article 175 Any person who falls under any of the following items shall be punished by a fine of not more than 200,000 yen.

- (i) A person who has failed to submit a notification pursuant to the provision of Article 110, paragraph 1, or submitted a false notification
- (ii) A person who has failed to submit a report pursuant to the provision of Article 147, paragraph 1, or submitted a false report
- (iii) A person who has refused, interfered with or evaded an inspection pursuant to the provision of Article 148, paragraph 1, or failed to answer or made a false answer to any questions pursuant to the provision of the same paragraph
- (iv) A person who has violated an order pursuant to the provision of Article 149 paragraph 1 or 2
- (v) A person who has refused, interfered with or evaded any disposition pursuant to the provision of Article 150, paragraph 1, Article 151, paragraph 1, Article 152, paragraph 1 or Article 153, paragraph 1

Article 176 In the case where any designated periodic inspection body, designated verification body, designated measurement certification inspection organization, specified measurement certification accreditation organization or a designated calibration organization has committed any of the violations listed in the following items, officers or employees of such organization who committed such violation shall be punished by a fine of not more than 200,000 yen.

- (i) The organization has failed to state the matters prescribed in the provision of Article 31 (including the cases where it is applied mutatis mutandis pursuant to Article 106, paragraph 3, Article 121, paragraph 2, Article 121-10 or Article 142), made a false statement or failed to keep books in violation of the provision of Article 31.
- (ii) The organization has failed to submit a notification pursuant to the provision of Article 32 (including the cases where it is applied mutatis mutandis pursuant to Article 106, paragraph 3, Article 121, paragraph 2, Article 121-10 or Article 142), or submitted a false notification.
- (iii) The organization has failed to submit a report pursuant to the provision of Article 147, paragraph 2 or 3, or submitted a false report.
- (iv) The organization has refused, interfered with or evaded an inspection pursuant to the provision of Article 148, paragraph 2 or 3, or failed to answer or made a false answer to any questions pursuant to these provisions.

Article 177 In the case where any representative of a juridical person, or an agent, employee or any other worker of a juridical person or an individual has committed any violation prescribed in any of the provisions of Article 170 and Articles 172 through 175 with regard to the business of such juridical person or individual, not only the offender shall be punished, but said juridical person or

individual shall also be punished by a fine prescribed in the respective Article.

Article 178 Any person who has failed to submit a notification pursuant to the provision of Article 62, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 114 or Article 133) or Article 79, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 81, paragraph 3) or Article 94, paragraph 1, or submitted a false notification shall be punished by a non-penal fine of not more than 200,000 yen.

Article 179 In the case where the AIST or the NITE has violated an order pursuant to the provision of Article 168-4 or Article 168-7, officers of the AIST or the NITE who committed such violation shall be punished by a non-penal fine of not more than 200,000 yen.

Article 180 Any person who has failed to submit a notification pursuant to the provision of Article 42, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 46, paragraph 2 or Article 51, paragraph 2), Article 45, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 46, paragraph 2 or Article 51, paragraph 2) or Article 65 (including the cases where it is applied mutatis mutandis pursuant to Article 114, Article 121-6, Article 133 or Article 146), or submitted a false notification shall be punished by a non-penal fine of not more than 100,000 yen.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into force as from the date specified by Cabinet Order within a period not exceeding one year and six months from the day of promulgation.

(Abolishment of Act for Enforcement of the Measurement Act)

Article 2 The Act for Enforcement of the Measurement Act (Act No. 208 of 1951; hereinafter referred to as the "Old Act for Enforcement") shall be abolished.

(Measurement Units)

Article 3 (1) The measurement units listed in the right column of the appended table 1 of the supplementary provisions and their decimal multiples specified by Cabinet Order shall be deemed the statutory measurement units of the quantity of the state of the physical phenomena listed in the left column of the same table set forth in Article 8, paragraph 1 of the revised Measurement Act

until September 30, 1995 (such statutory measurement units shall be hereinafter simply referred to as "measurement units"; such revised Measurement Act shall be hereinafter referred to as the "New Act").

- (2) The measurement units listed in the right column of the appended table 2 of the supplementary provisions and their decimal multiples specified by Cabinet Order shall be deemed the statutory measurement units of the quantity of the state of the physical phenomena listed in the left column of the same table until September 30, 1997.
- (3) The measurement units listed in the right column of the appended table 3 of the supplementary provisions and their decimal multiples specified by Cabinet Order, shall be deemed to be the statutory measurement units of the quantity of the state of the physical phenomena listed in the left column of the same table until September 30, 1999.
- (4) The definitions of the measurement units prescribed in the preceding three paragraphs shall be prescribed by Cabinet Order.

Article 4 (1) The measurement units prescribed in paragraphs 1 through 3 of the preceding Article may be deemed to be the statutory measurement units by Cabinet Order even after the date specified in each of these provisions.

- (2) In the case of the preceding paragraph, such Cabinet Order shall specify the effective period during which the measurement units are deemed to be the statutory measurement units, the scope of transactions and certifications in which the measurement units may be used as the statutory measurement units, and how to use the measurement units as the statutory measurement units.

(Measurement Units in Yard-Pound System)

Article 5 (1) The measurement units in the yard-pound system and their definitions shall be prescribed by Cabinet Order.

- (2) The measurement units in the yard-pound system prescribed by the Cabinet Order set forth in the preceding paragraph shall be deemed to be the statutory measurement units for the time being when such measurement units are used for the purposes of the following transactions or certifications.
 - (i) Transactions or certifications pertaining to the operation of aircraft or to other aviation matters specified by Cabinet Order
 - (ii) Transactions or certifications pertaining to an imported commodity specified by Cabinet Order with its quantity of the state of the physical phenomena indicated in measurement units in the yard-pound system specified by the Cabinet Order set forth in the preceding paragraph

(French Horse Power)

Article 6 (1) The French horse power shall be deemed for the time being to be a

measurement unit of power in the case where it is used for transactions or certifications pertaining to an internal combustion engine or other transactions or certifications specified by Cabinet Order.

(2) The definition of the French horse power shall be prescribed by Cabinet Order.

(Symbols)

Article 7 The symbols of the measurement units prescribed in the provisions of Article 3, paragraphs 1 through 3, Article 5, paragraph 1, and paragraph 1 of the preceding Article of the supplementary provisions that ought to be standard symbols of measurement units shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Indication, etc. of Measurement Units)

Article 8 (1) An indication using a measurement unit prescribed in the provisions of Article 3, paragraphs 1 through 3 of the supplementary provisions that has been stated on a document or affixed to a commodity or other objects on or before the effective date of the measurement unit prescribed in these provisions may be used for the purposes of transactions or certifications even after such effective date notwithstanding the provision of Article 8, paragraph 1 of the New Act.

(2) A measurement instrument prescribed in paragraph 1 of the following Article may be used for measurements specified by the Cabinet Order set forth in Article 2, paragraph 3 of the New Act even after the effective date of the measurement unit prescribed in Article 3, paragraphs 1 through 3 of the supplementary provisions notwithstanding the provisions of Article 8, paragraph 1 of the New Act.

(3) An indication of a measurement unit prescribed in Article 4, Article 5, Article 7, Article 8, Article 9, paragraph 1 or Article 10, paragraph 1 of the Old Act for Enforcement that has been stated on a document or affixed to a commodity or other objects on or before the effective date of the measurement unit prescribed in Article 3, Article 6, paragraph 1, or Article 10, paragraph 1 of the Old Act for Enforcement may be used for the purposes of transactions or certifications even after such effective date notwithstanding the provisions of Article 8, paragraph 1 of the New Act.

(Measuring Instruments)

Article 9 (1) The provision of Article 9, paragraph 1 of the New Act shall not apply to a measuring instrument with a scale or indication using a measurement unit prescribed in Article 3, paragraphs 1 through 3 of the supplementary provisions if such scale or indication has been affixed to the measuring instrument on or before the effective date of the measurement unit

prescribed in Article 3, paragraphs 1 through 3 of the supplementary provisions.

- (2) The provisions of Article 9, paragraph 1 of the New Act shall not apply for the time being to a measuring instrument with a scale or indication specified by Cabinet Order and using a measurement unit prescribed in Article 5, paragraph 1 or Article 6, paragraph 1 of the supplementary provisions.

(Periodic Inspection)

Article 10 (1) With regard to the application of Article 19, paragraph 1 of the New Act to a periodic inspection set forth in the same paragraph to be performed in the year to which the enforcement date of this Act (hereinafter referred to as the "enforcement date") belongs, the term "the specified measuring instrument affixed" in item 3 of the same paragraph shall be deemed to be replaced with "the specified measuring instrument affixed, and the specified measuring instrument affixed with the inspection mark set forth in Article 136, or Article 151 of Measurement Act (Act No. 207 of 1951; hereinafter referred to as the "Old Act") or the periodic inspection mark set forth in Article 146 of the Old Act, bearing the figures indicating the same year as the year in which the periodic inspection is performed."

- (2) With regard to the criteria for passing a periodic inspection of which the date and place were publicly notified prior to the enforcement date pursuant to the provision of Article 143 of the Measurement Act prior to the revision (hereinafter referred to as the "Old Act") and which is scheduled to be implemented on or after the enforcement date, the provisions then in force shall remain applicable.

(Business of Manufacturing)

Article 11 A person who already has received a registration set forth in Article 13 of the Old Act at the time of enforcement of this Act shall be deemed to have submitted a notification on the enforcement date pursuant to the provision of Article 40, paragraph 1 of the New Act with regard to the business classification specified by the Ordinance of the Ministry of International Trade and Industry set forth in Article 40, paragraph 1 of the New Act to which a specified measuring instrument belonging to the business classification specified by the Ordinance of the Ministry of International Trade and Industry set forth in Article 13 of the Old Act pertaining to the registration belongs.

(Business of Repairing)

Article 12 A person who actually has, at the time of enforcement of this Act, a registration set forth in Article 31 of the Old Act shall be deemed to have submitted a notification on the enforcement date pursuant to the provision of

Article 46, paragraph 1 of the New Act with regard to the business classification specified by the Ordinance of the Ministry of International Trade and Industry set forth in Article 46, paragraph 1 of the New Act to which a specified measuring instrument belonging to the business classification specified by the Ordinance of the Ministry of International Trade and Industry set forth in Article 31 of the Old Act pertaining to the registration belongs.

(Business of Selling)

Article 13 (1) A person who actually has, at the time of enforcement of this Act, a registration set forth in Article 47, paragraph 1 of the Old Act shall be deemed to have submitted a notification pursuant to the provision of Article 51, paragraph 1 of the New Act with regard to the business classification specified by the Ordinance of the Ministry of International Trade and Industry set forth in Article 51, paragraph 1 of the New Act to which a specified measuring instrument belonging to the business classification specified by the Ordinance of the Ministry of International Trade and Industry set forth in Article 47, paragraph 1 of the Old Act pertaining to the registration belongs.

(2) The provision of Article 51, paragraph 1 of the New Act shall not apply to the business of the sale of specified measuring instruments pertaining to notifications pursuant to the provision of Article 47, paragraph 2 of the Old Act submitted prior to the enforcement date.

(Application for Verification, etc.)

Article 14 (1) With regard to the disposition of pass or fail pertaining to an application for verification set forth in Article 86 of the Old Act or an application for an inspection of verification standards set forth in Article 106 of the Old Act submitted prior to the enforcement date, which has not yet been made at the time of enforcement of this Act, and the disposition of whether an approval, a registration or a designation shall be granted or refused pertaining to an application for an approval set forth in Article 95, Article 96-3, paragraph 1 or Article 96-10-2, paragraph 1 of the Old Act, an application for a registration set forth in Article 123 of the Old Act, or an application for a designation set forth in Article 173, Article 181-2 or Article 181-10-2 paragraph 1 of the Old Act submitted prior to the enforcement date, which has not yet been made at the time of enforcement of this Act, the provisions then in force shall remain applicable.

(2) With regard to the determination of pass or fail pertaining to an application for a test set forth in Article 96-2, paragraph 1, Article 96-3, paragraph 2 or Article 96-10-2, paragraph 2 of the Old Act submitted prior to the enforcement date, which has not yet been made at the time of enforcement of this Act, the provisions then in force shall remain applicable.

(Verification Mark)

Article 15 (1) A verification mark affixed pursuant to the provision of Article 91, paragraph 1 of the Old Act shall be deemed to be a verification mark set forth in Article 72, paragraph 1 of the New Act. In this case, the valid period of the verification mark set forth in Article 91, paragraph 1 of the Old Act affixed to a specified measuring instrument specified by the Cabinet Order set forth in Article 72, paragraph 2 of the New Act shall last until the expiration date of the valid period set forth in Article 91, paragraph 2 of the Old Act indicated on such verification mark.

(2) With regard to the application of Article 71, paragraph 2 of the New Act to a specified measuring instrument specified by the Cabinet Order set forth in Article 50, paragraph 1 of the New Act affixed with a type approval number set forth in Article 96-6, paragraph 1 or Article 96-10-3, paragraph 1 of the Old Act which shall be deemed, pursuant to the provision of Article 29, paragraph 2 of the supplementary provisions, to be an indication set forth in Article 84, paragraph 1 of the New Act (including the cases where it is applied mutatis mutandis pursuant to Article 89, paragraph 4 of the New Act), the term "from the time the indication set forth in Article 84, paragraph 1 was affixed thereto" in Article 71, paragraph 2 of the New Act shall be deemed to be replaced with "from the implementation date of this Act."

(Matching Number)

Article 16 A matching number affixed to an electric meter and a transformer used therewith pursuant to the provision of Article 91, paragraph 4 of the Old Act shall be deemed to be the matching number set forth in Article 74, paragraph 2 or 3 of the New Act.

(Fitting Inspection)

Article 17 The provision of Article 16, paragraph 3 of the New Act shall not apply to a measuring instrument for fitting to vehicles, etc. affixed with a verification mark set forth in Article 91, paragraph 1 of the Old Act which shall be deemed, pursuant to the provision of Article 15, paragraph 1 of the supplementary provisions, to be a verification mark set forth in Article 72, paragraph 1 of the New Act, until the expiration date of the valid period of said verification mark.

(Type Approval)

Article 18 (1) A person who actually has, at the time of enforcement of this Act, an approval set forth in Article 95, Article 96-3, paragraph 1 or Article 96-10-2, paragraph 1 of the Old Act (including those who shall be deemed, pursuant to

the provision of Article 14 of the supplementary provisions of the Act Partially Revising the Measurement Act (Act No. 112 of 1966), to have obtained such approval pursuant to the provision of the Old Act) shall be deemed to have obtained an approval set forth in Article 76, paragraph 1, Article 81, paragraph 1 or Article 89, paragraph 1 of the New Act with regard to a type pertaining to such approval on the enforcement date.

- (2) With regard to the application of the proviso of Article 80 or the proviso of Article 82 of the New Act to a person who shall be deemed, pursuant to the provision of the preceding paragraph, to have obtained an approval set forth in Article 76, paragraph 1 or Article 81, paragraph 1 of the New Act, the term "in advance" in these provisions shall be deemed to be replaced with "within sixty days from the implementation date of this Act."

(Designated Manufacturing Business Operator)

Article 19 (1) A designation set forth in Article 16, paragraph 1 item 2 (b) of the New Act shall be made for each business classification specified by the Ordinance of the Ministry of International Trade and Industry set forth in Article 40, paragraph 1 of the New Act after the date specified by Cabinet Order, in consideration of the status of quality control pertaining to the manufacturing of specified measuring instruments

- (2) The date specified by the Cabinet Order set forth in the preceding paragraph shall not exceed five years from the enforcement date.

(Comparative Inspection)

Article 20 (1) The Minister of Economy, Trade and Industry may, for the time being, implement a comparative inspection of specified measuring instruments specified by Cabinet Order.

- (2) In the case where the Minister of Economy, Trade and Industry implements a comparative inspection pursuant to the provision of the preceding paragraph, the provisions of Article 99 (excluding paragraph 1, item 1), Article 101, paragraph 1, Article 102 and Article 104 of the Old Act shall remain in force with regard to said comparative inspection. In this case, the term "the Ordinance of the Ministry of International Trade and Industry" in Article 99, paragraph 1, item 2 of the Old Act shall be deemed to be replaced with "the Ordinance of the Ministry of Economy, Trade and Industry", the term "Cabinet Order" in item 3 of the same paragraph shall be deemed to be replaced with "the Ordinance of the Ministry of Economy, Trade and Industry", the term "the Ordinance of the Ministry of International Trade and Industry" in paragraphs 2 and 3 of the same Article shall be deemed to be replaced with "the Ordinance of the Ministry of Economy, Trade and Industry", and the term "Article 88, paragraph 1, items 1 through 3" in Article 104, paragraph 1 of the Old Act

- shall be deemed to be replaced with "Article 88, paragraph 1, items 2 and 3."
- (3) The provision of Article 160, paragraph 1 of the New Act shall apply mutatis mutandis to comparative inspections.
- (4) With regard to the application of Article 16, paragraph 1, Article 49, paragraph 1, Article 72, paragraph 4, Article 118, paragraph 1, Article 119, paragraph 3 and Article 151, paragraph 1 of the New Act, comparative inspection marks affixed pursuant to the provision of Article 101, paragraph 1 of the Old Act prior to the enforcement date (limited to those of which the valid period has not yet expired) as well as comparative inspection marks affixed pursuant to the provision of Article 101, paragraph 1 of the Old Act which, pursuant to the provision of paragraph 2 of this Article, are deemed to remain valid on and after the enforcement date shall be deemed to be verification marks set forth in Article 72, paragraph 1 of the New Act.
- (5) A person who intends to receive a comparative inspection set forth in paragraph 1 shall pay fees, the amount of which shall be prescribed, in consideration of the actual expenses, by Cabinet Order.

(Inspection of Verification Standards)

Article 21 A verification standard inspection mark affixed pursuant to the provision of Article 109 of the Old Act shall be deemed to be a verification standard inspection mark set forth in Article 104, paragraph 1 of the New Act. In this case, the valid period of said verification standard inspection mark shall last until the expiration date of the valid period set forth in Article 108 of the Old Act.

(Measurement Certification Business)

Article 22 (1) A person who actually has, at the time of enforcement of this Act, a registration set forth in Article 123 of the Old Act shall be deemed to have received a registration set forth in Article 107 of the New Act on the enforcement date with regard to the business classification specified by the Ordinance of the Ministry of International Trade and Industry set forth in Article 107 of the New Act to which the business belonging to the business classification specified by the Ordinance of the Ministry of International Trade and Industry set forth in Article 123 of the Old Act pertaining to the registration belongs.

(2) With regard to the application of Article 116, paragraph 1 of the New Act to a person who, pursuant to the provision of the preceding paragraph, has been deemed to have received a registration set forth in Article 107 of the New Act, the term "the date of registration set forth in Article 107" in Article 116, paragraph 1 of the New Act shall be deemed to be replaced with "the date of the last inspection set forth in Article 132, paragraph 1 of the Old Act which

has been implemented prior to the enforcement date of this Act."

(National Certified Measurer Examination)

Article 23 A person who has passed the national certified measurer examination set forth in Article 169 of the Old Act (including those who shall be deemed, pursuant to the provisions of Article 8 of the supplementary provisions of the Act Partially Revising the Measurement Act (Act No. 42 of 1974), to have passed the national certified measurer examination pursuant to the provisions of the Old Act) shall be deemed to have passed the national certified measurer examination set forth in Article 125 of the New Act.

(Enterprises where Measurement Instruments are Used)

Article 24 A person who actually has, at the time of enforcement of this Act, a designation set forth in Article 173 of the Old Act shall be deemed to have received a designation set forth in Article 127, paragraph 1 of the New Act.

(Measurement Administration Council)

Article 25 The Measurement Administration Council established pursuant to the provision of Article 208 of the Old Act and its chairperson and council members shall, on the enforcement date, become the Measurement Administration Council established pursuant to the provision of Article 156, paragraph 1 of the New Act and its chairperson and council members, respectively, and continue to exist by maintaining its identity.

(Training)

Article 26 A person who has completed a training course offered by the Measurement Training Center set forth in Article 224 of the Old Act before the enforcement date (including those who shall be deemed, pursuant to the provision of Article 68 of the Old Act for Enforcement, to have completed a training course offered by the Measurement Training Center set forth in Article 224 of the Old Act) shall be deemed to have completed a training course offered by the Measurement Training Center set forth in Article 166 of the New Act.

(Reinspection and Appeals)

Article 27 With regard to an application for reinspection submitted prior to the enforcement date and an objection filed or an application for examination submitted prior to the enforcement date, the provisions then in force shall remain applicable.

(Grounds for Disqualification)

Article 28 (1) With regard to the application of Article 77, paragraph 1 or Article 92, paragraph 1 of the New Act, a rescission of a registration pursuant to the provision of Article 27 of the Old Act shall be deemed to be a rescission of an approval pursuant to the provision of Article 88 of the New Act or a rescission of a designation pursuant to the provision of Article 99 of the New Act.

(2) With regard to the application of Article 27 of the New Act (including the cases where it is applied mutatis mutandis pursuant to Article 106, paragraph 3 or Article 121, paragraph 2), Article 92, paragraph 1 of the New Act (including the cases where it is applied mutatis mutandis pursuant to Article 101, paragraph 3, Article 114 or Article 133), Article 122, paragraph 3 of the New Act and Article 139 of the New Act, a person who has been sentenced to a fine or severer punishment for violation of the provisions of the Old Act or an order pursuant to the Old Act shall be deemed to have been sentenced to a fine or severer punishment for violation of the provisions of the New Act or an order pursuant to the New Act.

(Dispositions, etc.)

Article 29 (1) Unless otherwise prescribed by this supplementary provision, a disposition, proceeding and other acts which have been made prior to the enforcement date pursuant to the provisions of the Old Act or an order pursuant to the Old Act and regarding which, if any, there are the equivalent provisions in the New Act or an order pursuant to the New Act shall be deemed to have been made pursuant to such equivalent provisions of the New Act, or an order pursuant to the New Act.

(2) Unless otherwise prescribed by this supplementary provision, a mark or a document which has been affixed or issued prior to the enforcement date pursuant to the provisions of the Old Act or an order pursuant to the Old Act and regarding which, if any, there are the equivalent provisions in the New Act or an order pursuant to the New Act shall be deemed to have been affixed or issued pursuant to such equivalent provisions of the New Act, or an order pursuant to the New Act.

(Application of Penal Provisions)

Article 30 With regard to the application of penal provisions applicable to any act which has been committed prior to the enforcement date and to any act pertaining to the matters to which provisions then in force remain applicable pursuant to the provisions of these supplementary provisions which has been committed prior to the enforcement date, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 31 In addition to what is provided for in Articles 3 through the preceding Article of the supplementary provisions, transitional measures necessary for the enforcement of this Act shall be prescribed by Cabinet Order.

Appended Table 1 to supplementary provisions

Quantity of State of Physical Phenomena	Measurement unit
Force	dyne
Work	erg
Amount of heat	kilogram force meter, erg
Neutron emission rate	neutron per second, neutron per minute
Radio activity	disintegration per second, disintegration per minute

Appended Table 2 to supplementary provisions

Quantity of State of Physical Phenomena	Measurement unit
length	micron
Frequency	cycle or cycle per second
Magnetic field strength	ampere turn per meter, oersted
Magnetomotive	ampere turn
Magnetic flux density	gamma, gauss
magnetic flux	Maxwell
Acoustic pressure level	phone
Concentration	provisions

Appended Table 3 to supplementary provisions

Quantity of State of Physical Phenomena	Measurement unit
Force	kilogram-force, gram-force, ton-force
Moment of force	kilogram-force meter
Pressure	kilogram-force per square meter, gram-force per square meter, meter of mercury, meter of water
Stress	kilogram-force per square meter, gram-force per square meter
Work	kilogram-force meter
Power	kilogram-force meter per second
Amount of heat	calorie
Thermal conductivity	calorie per second per meter per degree, calorie per hour per meter per degree
Specific heat capacity	calorie per kilogram per degree

**Supplementary Provisions [Act No. 89 of November 12, 1993 Extract]
[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the enforcement date (October 1, 1994) of the Administrative Procedures Act (Act No. 88 of 1993).

(Transitional Measures concerning Prejudicial Disposition about which Advisory Opinion, etc. has been Sought)

Article 2 In the case where a request for an advisory opinion or equivalent has been filed by statute before the enforcement of this Act with the Council or other related collegiate organizations which calls for holding a hearing under the provisions of Article 13 of the Administrative Procedures Act or for initiating a proceeding to provide an opportunity for vindication or similar proceeding for statements, the proceeding for a prejudicial disposition pertaining to such request for an advisory opinion or equivalent shall be still treated in consideration of similar previous cases, notwithstanding the provisions of the relative Acts revised by this Act.

(Transitional Measures concerning Penal Provisions)

Article 13 The application of penal provisions to any act which has been committed before the enforcement of this Act shall be still treated in consideration of similar previous cases.

(Transitional Measures Accompanied by Arrangement of Provisions concerning Hearing)

Article 14 Any hearing, questioning, hearing session (excluding those pertaining to a prejudicial disposition) or any proceeding thereof, which has been initiated in accordance with the provisions of the Act before the enforcement of this Act, shall be deemed to have been initiated in accordance with the equivalent provisions of the relative Acts revised by this Act.

(Delegation to Cabinet Order)

Article 15 In addition to what is provided for in Article 2 through the preceding Article, any transitional measure necessary for the enforcement of this Act shall be provided by Cabinet Order.

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

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2000; provided, however, that the provisions listed in the following items shall come into force as from the dates prescribed in the respective items.

(i) The provisions for revision in Article 1 to add five articles, the section title, and two subsections and the titles thereof following Article 250 of the Local

Government Act (limited, however, to the part concerning Article 250-9, paragraph 1 of the said Act (limited, however, to the part concerning the requirement of consent of both Houses)), the provisions in Article 40 to revise paragraph 9 and paragraph 10 of the Supplementary Provisions of the Natural Parks Act (limited, however, to the part concerning paragraph 10 of the Supplementary Provisions of the said Act), the provisions of Article 244 (excluding, however, the part concerning the provision to revise Article 14-3 of the Agricultural Improvement and Promotion Act), and the provisions of Article 472 (excluding, however, the part concerning the provisions to revise Article 6, Article 8, and Article 17 of the Act on Special Provisions Concerning Merger of Municipalities), and the provisions of Article 7, Article 10, Article 12, proviso of Article 59, Article 60, paragraph 4 and paragraph 5, Article 73, Article 77, Article 157, paragraphs 4 to 6, Article 160, Article 163, Article 164, and Article 202 of the Supplementary Provisions: the date of promulgation.

(Transitional Measures Accompanying Partial Amendment of Measurement Act)

Article 108 (1) Any request for examination pursuant to the provisions of Article 163 paragraph 1 of the Measurement Act before amendment with regard to any disposition or omission pursuant to the Measurement Act before amendment or any order thereof, which has been made before the enforcement date by the head of city, town or village in accordance with the provisions of Article 345, shall remain applicable.

(2) Any request for examination under the provisions of Article 163 paragraph 2 of the Measurement Act before amendment with regard to any disposition or omission under the Measurement Act before amendment or any order thereof, which has been made before the enforcement date by any designated periodic inspection body defined in Article 20 paragraph 1 of the Measurement Act before amendment or any designated measurement certification inspection body defined in Article 117 paragraph 1 of the Measurement Act before amendment in accordance with the provisions of Article 345, shall remain applicable.

(Affairs of the National Government, etc.)

Article 159 In addition, under the provisions of respective Acts prior to the revision by this Act, after the enforcement of this Act, any affair of the national government, other local governments or other local public organizations (such affairs are referred to as a "affairs of the national government, etc." in Article 161 of the supplementary provisions) which has been managed or executed, in accordance with the Act or Cabinet Order thereof by an organizations of a local

government before the enforcement of this Act, shall, after the enforcement of this Act, be disposed of in accordance with the Act or Cabinet Order thereof by the local government as its affairs.

(Transitional Measures concerning Disposition, Application, etc.)

Article 160 (1) In the case of an application of respective Acts after amendment on and after the enforcement date of this Act, any disposition or any other act with respect to any approval, etc. which has been made in accordance with the provisions of respective Acts before amendment before the enforcement of this Act (or of the provisions of each item of Article 1 of the supplementary provisions; hereinafter the same in this Article and Article 163 of the supplementary provisions) (such disposition or act is hereinafter in this Article referred to as an "act of disposition, etc.") or any application for any approval, etc. or other act which, by the time of the enforcement of this Act, has been filed in accordance with the provisions of the respective Acts before amendment (such application or act is hereinafter in this Article referred to as an "act of application, etc.") shall, excluding those subject to the application of the provisions of Article 2 through the preceding Article of the supplementary provisions or to the provisions concerning transitional measures stipulated in respective Acts (including any order thereof), be deemed to be an act of disposition, etc. or an act of application, etc. which has been made in accordance with the equivalent provisions of respective Acts after amendment, if administrative affairs pertaining to the act of disposition, etc. or the act of application are performed by a different person on the enforcement date of this Act.

(2) Any matter required to be reported, notified, submitted, etc. to the national government or local governments in accordance with the provisions of respective Acts before amendment before the enforcement of this Act which has not yet been so reported, notified, submitted, etc. before the enforcement date of this Act, shall, unless otherwise stipulated in this Act or any Cabinet Order thereof, be regarded as not having been reported, notified, submitted, etc. to the national government or equivalent organizations of local governments in accordance with the equivalent provisions of respective Acts after amendment, and subject to the application of the provisions of respective Acts revised by this Act.

(Transitional Measures concerning Appeals)

Article 161 (1) Any appeal under the Administrative Appeal Act concerning a disposition pertaining to affairs of the national government, etc. which has been made before the implementation date by an administrative agency (hereinafter in this Article referred to as a "disposing agency") with its higher

agency defined in the Administrative Appeal Act (hereinafter in this Article referred to as a "higher government agency") before the implementation date, shall be subject to the application of the Administrative Appeal Act by regarding that such disposing agency shall continue to have such higher administrative agency on and after the implementation date. In this case, an administrative agency to be regarded as the higher government agency of such disposing agency shall be the administrative agency which has been the higher government agency of such disposing agency before the implementation date.

(2) In the case of the preceding paragraph, if an administrative agency to be regarded as a higher government agency is an organization of local governments, any affair required to be disposed in accordance with the provisions of the Administrative Appeal Act shall be regarded as a statutory entrusted affairs defined in Article 2 paragraph 9 item 1 of the new Local Government Act.

(Transitional Measures concerning Fees)

Article 162 Any fees which should have been paid in accordance with the provisions of respective Acts (including any order thereof) prior to the revision by this Act before the enforcement date shall, unless otherwise stipulated in this Act or any Cabinet Order thereof, be still treated in consideration of similar previous cases.

(Transitional Measures concerning Penal Provisions)

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

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) In addition to what is provided for in the supplementary provisions, any transitional measure necessary for the enforcement of this Act (including transitional measures concerning penal provisions) shall be provided by Cabinet Order.

(2) Any matter necessary for the application of the provisions of Article 18, Article 51 and Article 184 of the supplementary provisions shall be provided by Cabinet Order.

(Review)

Article 250 Item 1 Statutory Entrusted Affairs prescribed in Article 2, paragraph 9, item 1 of the new Local Government Act shall, in addition, be created to the minimum possible extent, and such affairs listed in Appended Table I of the new Local Government Act and those provided for by Cabinet

Order enacted under the new Local Government Act shall be examined from the perspective of promoting decentralization and be reviewed as appropriate.

Article 251 The government shall, in order to enable local governments to execute their affairs and services voluntarily and independently, examine how to secure adequate sources of local tax revenue based on the sharing of roles between the national government and local governments taking into account the prevailing economic trends, and take the necessary measures based on the examination results.

**Supplementary Provisions [Act No. 102 of July 16, 1999 Extract]
[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the date of enforcement of the Act for Partial Revision of the Cabinet Act (Act No. 88 of 1999); provided, however, that the provisions set forth in the following items shall come into force as from the date specified in each item.

(ii) The provisions of Article 10 paragraphs 1 and 5, Article 14 paragraph 3, Article 23, Article 28 and Article 30 of the supplementary provisions; the day of promulgation.

(Transitional measures specified separately)

Article 30 In addition to what is provided for in Article 2 to the preceding Article, the necessary transitional measures pertaining to the enforcement of this Act shall be specified separately by Act.

**Supplementary Provisions [Act No. 121 of August 6, 1999 Extract]
[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from July 1, 2000; provided, however, that the provisions of the following items shall come into force as from the date provided in the following items.

(v) Among the provisions of Article 3 of this Act, those revising Article 28, paragraph 1 of the Explosives Control Act (limited to the part adding "stating organizations and methods to ensure safety and other matters specified by the Ordinance of the Ministry of International Trade and Industry" after "to prevent"), those revising Article 35, paragraph 1 of the same Act (limited to the part revising "powder magazines" to "powder magazines and organizations and methods to ensure safety at such

facilities") and those revising paragraph 2 of the same Article (limited to the part adding "and whether they implement, among matters specified in the damage prevention rules approved as prescribed in Article 28, paragraph 1, matters that fall under the matters specified by the Ordinance of the Ministry of International Trade and Industry as those pertaining to the organizations and methods to ensure safety" after "whether specified facilities and powder magazines conform to them", the provisions of Article 5 and Article 10 of this Act, and the provisions of Article 31 through Article 34, Article 45 through Article 50, Article 76, Article 77 and Article 79 of the supplementary provisions: April 1, 2001

(Transitional Measures Accompanying Partial Revision of the Measurement Act)

Article 31 Any person who actually has, at the time of enforcement of the provisions in Article 5, a designation under Article 16 paragraph 1 item 2, a) of the Measurement Act before amendment (hereinafter referred to as the "Old Measurement Act") by the provisions in Article 5 shall be deemed to have obtained an approval under Article 16 paragraph 1 item 2,a) of the Measurement Act after amendment (hereinafter referred to as the "New Measurement Act") on the enforcement date of the provisions in Article 5.

Article 32 Any person who actually has, at the time of enforcement of the provisions in Article 5, a designation under Article 20 paragraph 1 of the Old Measurement Act shall be deemed to have obtained a designation under Article 20 paragraph 1 of the New Measurement Act on the enforcement date of the provisions in Article 5.

Article 33 Any person who actually has, at the time of enforcement of the provisions in Article 5, a designation under Article 117 paragraph 1 of the Old Measurement Act shall be deemed to have obtained a designation under Article 117 paragraph 1 of the New Measurement Act on the enforcement date of the provisions in Article 5.

Article 34 Any person who actually has, at the time of enforcement of the provisions in Article 5, a designation under Article 135 paragraph 1 of the Old Measurement Act shall be deemed to have obtained a designation under Article 135 paragraph 1 of the New Measurement Act on the enforcement date of the provisions in Article 5.

(Effect of Disposition, etc.)

Article 68 Any disposition, proceeding or other act which has been made in

accordance with the provisions of respective Acts before amendment (including any order thereof; hereinafter the same in this Article) before the enforcement of this Act (or the provisions in each item of Article 1 of the supplementary provisions in the case where such provisions are applicable) and for which the equivalent provisions are provided in respective Acts after amendment shall, unless otherwise stipulated in this supplementary provisions, be deemed to have been made in accordance with such equivalent provisions of respective Acts after amendment.

(Transitional Measures concerning Application of Penal Provisions)

Article 69 The application of penal provisions to any act which has been committed before the enforcement of this Act (or the provisions in each item of Article 1 of the supplementary provisions in the case where such provisions are applicable) (or before the expiration of the validity of the provisions of the previous Consumer Product Safety Act to be regarded as still enforceable under the provisions of Article 10 of the supplementary provisions, in the case of acts by the Consumer Product Safety Association, or before the expiration of the validity of the provisions of the previous High Pressure Gas Safety Act to be regarded as still enforceable under the provisions of Article 30 of the supplementary provisions, in the case of acts by the High Pressure Gas Safety Institute) as well as to any act which has been committed after the enforcement of this Act and is required by the provisions of this supplementary provisions to be disposed in consideration of similar previous cases, shall be still treated in consideration of similar previous cases.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 70 In addition to what is provided for in Articles 2 through 9 and Articles 14 through the preceding Article of the supplementary provisions, any transitional measure necessary for the enforcement of this Act (including transitional measures concerning penal provisions) shall be provided by Cabinet Order.

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

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) shall come into force as from January 6, 2001; provided, however, that the provisions of each of the following items shall come into force as from the date provided in each of the following items.

**Supplementary Provisions [Act No. 203 of December 22, 1999 Extract]
[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from January 6, 2001; provided, however, that the provisions of Articles 8 through 10 and Article 12 of the supplementary provisions shall come into force as from the date specified by Cabinet Order within a period not exceeding six months from the said date.

(Transitional Measures accompanying Partial Amendment of Measurement Act)

- Article 10 (1) Any approval or any other disposition which has been actually made, before the enforcement of the provisions in the preceding Article by the Minister of Economy, Trade and Industry in accordance with the provisions of the Measurement Act before amendment (hereinafter in this Article referred to as the "Old Act") by the provisions in the preceding Article and is to be made, after the enforcement of the provisions in the preceding Article by the AIST, shall be deemed to have been made by the AIST in accordance with the provisions of the Measurement Act after amendment (hereinafter in this Article referred to as the "New Act") by the provisions in the same Article.
- (2) Any application which has been filed by the time of the enforcement of the provisions in the preceding Article with the Minister of Economy, Trade and Industry in accordance with the provisions of the Old Act, and is to be filed after the enforcement of the provisions in the preceding Article, the AIST shall be deemed to have been filed with the AIST in accordance with the provisions of the New Act.
- (3) Any matter required to be notified before the enforcement of the provisions in the preceding Article to the Minister of Economy, Trade and Industry in accordance with the provisions of the Old Act and to be notified after the enforcement of the provisions in the preceding Article to the AIST, which has not yet been so notified before the enforcement date of the provisions in the preceding Article, shall be regarded after the enforcement of the provisions in the preceding Article, as not having been notified to the AIST in accordance with the provisions of the New Act and subject to the application of the provisions of the New Act.

(Delegation to Cabinet Order)

Article 11 In addition to what is provided for in Articles 2 through 7 and the preceding Article of the supplementary provisions, any transitional measure necessary for the establishment of the AIST and for the enforcement of this Act shall be provided by Cabinet Order.

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

(Effective Date)

Article 1 This Act shall come into force as from January 6, 2001; provided, however, that the provisions of Articles 8 through 19 of the supplementary provisions shall come into force as from the date specified by Cabinet Order within a period not exceeding six months from the said date.

(Transitional Measures accompanied by Partial Amendment of Measurement Act)

Article 18 (1) Any accreditation which has been made before the enforcement of the provisions in the preceding Article by the Minister of Economy, Trade and Industry in accordance with the provisions of Article 143 of the Measurement Act before amendment (hereinafter referred to as the "Old Measurement Act"), shall be deemed to have been made by the NITE in accordance with the provisions of Article 143 of the Measurement Act after amendment (hereinafter referred to as the "New Measurement Act").

(2) Any matter required to be notified before the enforcement of the provisions in the preceding Article to the Minister of Economy, Trade and Industry in accordance with the provisions of Article 147 paragraph 1 of the Old Measurement Act (limited to the provisions concerning accredited enterprises), which has not yet been notified before the enforcement date of the provisions in the preceding Article, shall be deemed to be required to be notified to the NITE in accordance with the provisions of Article 147 paragraph 1 the New Measurement Act.

(3) Any application which has been actually filed by the time of the enforcement of the provisions in the preceding Article with the Minister of Economy, Trade and Industry in accordance with the provisions of Article 143 of the Old Measurement Act, shall be deemed to have been filed with the NITE in accordance with the provisions of Article 143 of the New Measurement Act.

(4) Any matter required to be notified before the enforcement of the provisions in the preceding Article to the Minister of Economy, Trade and Industry in accordance with the provisions of Article 65 of the Old Measurement Act which applies correspondingly under Article 146 of the Old Measurement Act which has not yet been so notified before the enforcement date of the provisions of the preceding Article, shall be deemed not to have been notified to the NITE in accordance with the provisions of Article 65 of the New Measurement Act which applies correspondingly under the provisions of Article 146 of the New Measurement Act and subject to the application of the provisions of the New

Measurement Act.

(Transitional Measures concerning Penal Provisions)

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

(Delegation to Cabinet Order)

Article 21 In addition to what is provided for in Articles 2 through 7, Article 9, Article 11, Article 18 and the preceding Article of the supplementary provisions, any transitional measure necessary for the establishment of the NITE and for the enforcement of this Act shall be provided by Cabinet Order.

**Supplementary Provisions [Act No. 220 of December 22, 1999 Extract]
[Extract]**

(Effective Date)

Article 1 This Act (excluding Article 1) shall come into force as from January 6, 2001.

(Delegation to Cabinet Order)

Article 4 In addition to what is provided for in the preceding two Articles, any matter necessary for the enforcement of this Act shall be provided by Cabinet Order.

Supplementary Provisions [Act No. 91 of May 31, 2000]

(Effective Date)

(1) This Act shall come into force as from the enforcement date (April 1, 2001) of the Act to Partially Amend the Commercial Code, etc. (Act No. 90 of 2000).

Supplementary Provisions [Act No. 54 of June 20, 2001]

(Effective Date)

Article 1 This Act shall come into force as from the date prescribed by Cabinet Order within a period not exceeding one year from the day of promulgation; provided, however, that the provisions of the next Article shall come into force as from the date prescribed by Cabinet Order within a period not exceeding nine months from the date of promulgation.

(Preparatory Act)

Article 2 Any designation under Article 121-2 of the Measurement Act revised by this Act (hereinafter referred to as the "New Act") and any necessary proceeding or other act thereof may be made before the enforcement of this Act in accordance with the provisions of the New Act.

(Transitional Measures)

Article 3 Any person who, at the time of enforcement of this Act, is actually engaged in the business of measurement certification with a registration under Article 107 of the Measurement Act prior to the revision by this Act and whose business falls under Article 109 item 3 of the New Act may, until the date no later than one year from the date of promulgation of this Act (or until the date of rejection of such registration if such registration has been so rejected, within the above period, under the provisions of Article 107 of the New Act), perform such business of measurement certification notwithstanding the provisions of Article 107 of the New Act. In the case where such person has, within the above period, applied for a registration under Article 108 of the New Act and the above period has elapsed, the same shall apply until the registration under such application has been accepted or rejected.

(Delegation to Cabinet Order)

Article 4 In addition to what is provided for in the preceding two Articles, any transitional measure necessary for the enforcement of this Act shall be provided by Cabinet Order.

(Review)

Article 5 After five years have passed from the enforcement of this Act, the government shall, if deemed necessary in consideration of the enforcement status of the New Act, review the provisions of the New Act and take necessary measures based on the result thereof.

Supplementary Provisions [Act No. 76 of June 11, 2003 Extract] [Extract]

(Effective Date)

Article 1 This Act shall come into force as from March 1, 2004; provided, however, that the provisions of each of the following items shall come into force as from the date provided in each of the following items.

- (i) The provisions of Article 13 of the supplementary provisions: the Day of Promulgation
- (ii) The provisions of Article 3, paragraph 1, Article 4, paragraph 1, Article 5, paragraph 1, Article 6, paragraph 1, Article 7, paragraph 1, Article 8, paragraph 1 and Article 9, paragraph 1 of the supplementary provisions:

October 1, 2003

(iii) The provisions of Article 1 and the following Article of this Act and the provision of Article 14 of the supplementary provisions: the date prior to March 31, 2006 specified by Cabinet Order

(Transitional Measures accompanying Partial Amendment of Measurement Act)

Article 2 Any person who actually has, at the time of enforcement of the provisions in Article 1, an accreditation under Article 143 of the Measurement Act before amendment by the provisions in Article 1, shall be deemed, until the date not later than two years from the date of enforcement of the provisions in Article 1 or the last date of the period prescribed by the Cabinet Order under Article 144-2 paragraph 1 of the Measurement Act after amendment by the provisions in Article 1 (hereinafter referred to as the "New Measurement Act") which commences from the date of such accreditation, whichever comes later, to have an accreditation under Article 143 paragraph 1 of the New Measurement Act.

(Effect of Disposition, etc.)

Article 11 Any disposition, proceeding or other act which has been made in accordance with the provisions of respective Acts before amendment (including any order thereof; hereinafter the same in this Article) before the enforcement of this Act (or the provisions in each item of Article 1 of the supplementary provisions in the case where such provisions are applicable) and for which the equivalent provisions are provided in respective Acts after amendment, shall, unless otherwise stipulated in this supplementary provisions, be deemed to have been made in accordance with such equivalent provisions of respective Acts after amendment.

(Transitional Measures concerning Application of Penal Provisions)

Article 12 The application of the penal provisions to any act which has been committed before the enforcement of this Act (or the provisions in each item of Article 1 of the supplementary provisions in the case where such provisions are applicable) as well as to any act which has been committed after the enforcement of this Act and is required by the provisions of this supplementary provisions to be disposed in consideration of similar previous cases, shall be still governed by similar previous cases.

(Delegation to Cabinet Order)

Article 13 In addition to what is provided for in Article 2 through the preceding Article of the supplementary provisions, any transitional measure necessary

for the enforcement of this Act (including transitional measures concerning penal provisions) shall be provided by Cabinet Order.

Supplementary Provisions [No. 10 of March 31, 2006 Extract] [Extract]

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2006.

(Transitional Measures concerning Penal Provisions)

Article 211 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, those provisions; hereinafter the same shall apply in this Article) and acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 212 In addition to what is provided for in the Supplementary Provisions, transitional measures for the enforcement of this Act shall be provided by Cabinet Order.

Appended table 1 (Re: Article 3)

Quantity of State of Physical Phenomena	Measurement unit
Length	meter
Mass	kilogram, gram, ton
Time	second, minute, hour
Electric current	ampere
Temperature	Kelvin, Celsius degree or degree
Amount of substance	mole
Luminous intensity	candela
Angle	radian, degree, second, minute
Solid angle	steradian
Area	square meter
Volume	cubic meter, liter
Angular velocity	radian per second
Angular acceleration	radian per second squared
Velocity	meter per second, meter per hour
Acceleration	meter per second squared
Frequency	hertz
Speed of revolution	per second, per minute, per hour
Wave number	per meter

Density	kilogram per cubic meter, gram per cubic meter, gram per liter
Force	newton
Moment of force	newton meter
Pressure	pascal or newton per square, bar
Stress	pascal or newton per square meter
Viscosity	pascal second or newton second per square meter
Kinematic viscosity	square meter per second
Work	joule or watt second, watt hour
Power	watt
Mass flow rate	kilogram per second, kilogram per minute, kilogram per hour, gram per second, gram per minute, gram per hour, ton per second, ton per minute, ton per hour
Flow rate	cubic meter per second, cubic meter per minute, cubic meter per hour, liter per second, liter per minute, liter per hour
Amount of heat	joule or watt second, watt hour
Thermal conductivity	watt per meter Kelvin or watt per meter degree
Specific heat capacity	joule per kilogram Kelvin or joule per kilogram degree
Entropy	joule per Kelvin
Amount of electricity	coulomb
Electric field strength	volt per meter
Voltage	volt
Electromotive force	volt
Capacitance	farad
Magnetic field strength	ampere per meter
Magnetomotive force	ampere
Magnetic flux density	tesla or weber per square meter
Magnetic flux	weber
Inductance	Henry
Electric resistance	ohm
Electric conductance	siemens
Impedance	ohm
Electric power	watt
Amount of electric power	joule or watt second, watt hour
Electric power density of Electromagnetic wave	watt per square meter
Radiant intensity	watt per steradian
Luminous flux	lumen
Luminance	candela per square meter
Illuminance	lux

Acoustic power	watt
Concentration	mole per cubic meter, mole per liter, kilogram per cubic meter, gram per cubic meter, gram per liter
Neutron emission rate	per second, per minute
Radioactivity	becquirel, curie
Absorbed dose	gray, rad
Absorbed dose rate	gray per second, gray per minute, gray per hour, rad per second, rad per minute, rad per hour
Kerma	gray
Kerma rate	gray per second, gray per minute, gray per hour
Exposure	coulomb per kilogram, roentgen
Exposure rate	coulomb per kilogram second, coulomb per kilogram minute, coulomb per kilogram hour, roentgen per second, roentgen per minute, roentgen per hour
Dose equivalent	sievert, rem
Dose equivalent rate	sievert per second, sievert per minute, sievert per hour, rem per second, rem per minute, rem per hour

Appended table 2 (Re: Article 4)

Quantity of State of Physical Phenomena	Measurement unit
Reactive electric power	var
Apparent electric power	voltampere
Reactive electric energy	var second, var hour
Apparent electric energy	voltampere second, voltampere hour
Attenuation of electromagnetic wave	decibel
Acoustic pressure level	decibel
Oscillating acceleration level	decibel

Appended table 3 (Re: Article 4)

Quantity of State of Physical Phenomena	Measurement unit
Revolution speed	revolution per minute, revolution per hour
Pressure	atmospheric pressure
Viscosity	poise
Kinematic viscosity	stokes
Concentration	percent by mass, parts per thousand by mass, parts per million by mass, parts per billion by mass, parts per trillion by mass, parts per quadrillion by mass, percent by volume, parts per thousand by volume, parts per million by volume, parts per billion by volume, parts per trillion by volume, parts per quadrillion by volume, pH