

# Order for Enforcement of the Ethanol Business Act

(Act No. 415 of August 30, 2000)

The Cabinet hereby enacts this order based on the provisions of Article 33, paragraph (2) and Article 43 of the Ethanol Business Act (Act No. 36 of 2000) and Article 14, paragraph (1), and Article 20, paragraphs (1), (2), and (4) of its Supplementary Provisions.

## (Due Dates for Payments to the Treasury)

Article 1 Within two months of the last day of a month in which a person licensed as referred to in Article 3, paragraph (1) or Article 16, paragraph (1) of the Ethanol Business Act (hereafter referred to as "the Act") (hereafter such a person is referred to as a "Manufacturer or Importer") transfers a special type of ethanol as prescribed by Article 2, paragraph (4) of the Act (hereafter referred to simply as a "Special Type of Ethanol"), it must make a payment to the treasury pursuant to the provisions of Article 31, paragraph (1) of the Act in connection with that transfer (referred to as a "payment to the treasury" in the next Article).

## (Procedures for Making Payments to the Treasury)

Article 2 (1) On a monthly basis (other than in months in which the Manufacturer or Importer does not transfer a Special Type of Ethanol), a Manufacturer or Importer that has transferred a Special Type of Ethanol must submit a written report by the end of the following month to the Minister of Economy, Trade and Industry pursuant to Ordinance of the Ministry of Economy, Trade and Industry, detailing the amount of the payment to the treasury and accompanied by an accounting statement for the payment to the treasury for all Special Types of Ethanol transferred that month.

(2) Payments to the treasury must be made based on a written payment notice issued by a revenue collector as prescribed in Article 4-2, paragraph (3) of the Public Accounting Act (Act No. 35 of 1947).

## (Deadline for Providing Collateral)

Article 3 When ordering a Manufacturer or Importer to provide collateral pursuant to the provisions of Article 32, paragraph (1) of the Act, the Minister of Economy, Trade and Industry must specify the deadline by which the Manufacturer or Importer is required to provide the collateral.

## (Delegation of Authority)

Article 4 (1) Any authority of the Minister of Economy, Trade and Industry that is based on the provisions set forth in the left hand column of the following table is to be exercised by the Director of the Regional Bureau of Economy, Trade and Industry having jurisdiction in the locality set forth in the right hand column of the table; provided, however, that this does not preclude the Minister of Economy, Trade and Industry from personally exercising authority based on the provisions of Article 10, Article 12 (including as applied mutatis mutandis pursuant to Article 20, Article 25, or Article 30 of the Act), or Article 14, paragraph (1) or (2) of the Act.

(i) Article 3, paragraphs (1) and (2); Article 7, paragraph (2); Article 8, paragraphs (1) and (2); Article 9, paragraph (2); Article 10; Article 11, paragraph (1); Article 12; Article 13, paragraph (1) (other than as this relates to an application made by the heir); and Article 14 of the Act; as well as Article 40, paragraphs (1) and (2) of the Act (but only as they relate to manufacturers).	the locality of the principal office of the person seeking to be licensed as referred to in Article 3, paragraph (1) of the Act or of the manufacturer.
(ii) Article 4, item (iii) of the Act; as well as Article 40, paragraph (1) of the Act (but only as it relates to the authorization referred to in Article 4, item (iii) of the Act), and Article 40, paragraph (2) of the Act (but only as it relates to an authorized tester, researcher, or manufacturer).	the locality in which the person seeking to be authorized as referred to in Article 4, item (iii) of the Act, the person so authorized, or the person authorized to manufacture ethanol for testing and research manufactures or will manufacture the ethanol in order to test or research ethanol manufacturing methods.
(iii) Article 9, paragraph (3) (including as applied mutatis mutandis pursuant to Article 20, Article 25, or Article 30 of the Act) of the Act.	the locality in which the manufacturer mislays the ethanol, yeast starter, or fermenting mash or from which it is stolen.
(iv) Article 13, paragraph (1); Article 19, paragraph (1); Article 24, paragraph (1); and Article 29, paragraph (1) (but only as each of these provisions relates to an application made by the heir) of the Act.	the locality of the principal office of the heir.
(v) Article 15 of the Act.	the locality of the manufacturing plant from which the person seeks to transfer-out yeast starter or fermenting mash.

<p>(vi) Article 16, paragraphs (1) and (2) and Article 19, paragraph (1) of the Act (other than as this relates to an application made by the heir); as well as Article 7, paragraph (2); Article 8, paragraphs (1) and (2); Article 9, paragraph (2); Article 10; Article 11, paragraph (1); Article 12; and Article 14 of the Act as applied mutatis mutandis pursuant to Article 20 of the Act; and Article 14, paragraphs (1) and (2) of the Act (but only as they relate to importers).</p>	<p>the locality of the principal office of the person seeking to be licensed as referred to in Article 16, paragraph (1) of the Act, or the importer.</p>
<p>(vii) The proviso of Article 17 of the Act, as well as Article 14, paragraphs (1) of the Act (but only as it relates to persons with the authorization referred to in the proviso of Article 17 of the Act) and Article 14, paragraph (2) of the Act (but only as it relates to authorized importers).</p>	<p>the locality for the disembarkation of the ethanol of the person seeking to be authorized as referred to in the proviso to Article 17 of the Act, the person so authorized, or the authorized importer.</p>
<p>(viii) Article 21, paragraphs (1) and (2) of the Act and Article 24, paragraph (1) of the Act (other than as this refers to an application made by the heir); as well as Article 7, paragraph (2); Article 8, paragraphs (1) and (2); Article 9, paragraph (2); Article 10; Article 11, paragraph (1), Article 12; and Article 14 of the Act as applied mutatis mutandis pursuant to Article 25 of the Act; and Article 40, paragraphs (1) and (2) of the Act (but only as they relate to sellers).</p>	<p>the locality of the principal office of the person seeking to be licensed as referred to in Article 21, paragraph (1) of the Act or of the seller.</p>
<p>(ix) The proviso to Article 22, paragraphs (1) of the Act.</p>	<p>The locality of the warehouse housing the ethanol that the person seeks to transfer.</p>

(x) Article 26, paragraphs (1) and (2) and Article 29, paragraph (1) of the Act other than as this relates to an application made by the heir); as well as Article 7, paragraph (2); Article 8, paragraphs (1) and (2); Article 9, paragraph (2); Article 10; Article 11, paragraph (1); Article 12; and Article 14 of the Act as applied mutatis mutandis pursuant to Article 30 of the Act; and Article 40, paragraphs (1) and (2) of the Act (but only as they relate to permitted users).	the locality of the principal office of the person seeking to be licensed as referred to in Article 26, paragraph (1) of the Act or of the licensed user.
(xi) Article 32 of the Act.	the locality of the principal office of the Manufacturer or Importer.

- (2) In addition to the Director of the Regional Bureau of Economy, Trade and Industry provided for in the previous paragraph, the Director of the Regional Bureau of Economy, Trade and Industry with jurisdiction over a place of business other than the principal office of the manufacturer, importer, seller, or licensed user may exercise the authority of the Minister of Economy, Trade and Industry which is based on the provisions of Article 40, paragraph (1) or (2) of the Act over that place of business.
- (3) In addition to the Director of the Regional Bureau of Economy, Trade and Industry provided for in paragraph (1), the Director of the Regional Bureau of Economy, Trade and Industry having jurisdiction over the place where the person authorized as referred to in the proviso of Article 17 of the Act or the authorized importer uses the ethanol after importing it under the authorization referred to therein, may exercise the authority of the Minister of Economy, Trade and Industry which is based on the provisions of Article 40, paragraph (1) or (2) of the Act over that place of use.
- (4) The authority of the Minister of Economy, Trade and Industry as prescribed in the previous two Articles is to be exercised by the Director of the Regional Bureau of Economy, Trade and Industry having jurisdiction over the locality of the principal office of the Manufacturer or Importer.

### **Supplementary Provisions**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2001.

(Technical Replacement of Terms in the Former Act)

Article 2 The terms and phrases set forth in the center column of the following

table which appear in the provisions of the Act Establishing a State Monopoly on Ethanol (Act No. 32 of 1937; hereafter referred to as the "Former Act") that are set forth in the left-hand column of that table are replaced by the corresponding terms and phrases set forth in the right-hand column of that table to allow for the application of the provisions of Article 22 through Article 25 and Article 29-5 through Article 31 of the Former Act prior to its repeal pursuant to Article 9 of the Supplementary Provisions of the Act, as they continue to remain in force pursuant to Article 14, paragraph (1) of the Supplementary Provisions of the Act.

Article 22, paragraph (1)	Article 20	Article 20 of the Act Establishing a State Monopoly on Ethanol (hereafter referred to as the "Former Act") prior to its repeal under Article 9 of the Supplementary Provisions of the Ethanol Business Act (Act No. 36 of 2000).
Article 22, paragraph (2)	Article 19	Article 19 of the Former Act
Article 22, paragraph (3)	the previous Article	Article 21 of the Former Act
Article 23	Article 21	Article 21 of the Former Act
Article 24, paragraph (1)	Article 20	Article 20 of the Former Act
Article 24, paragraph (2)	Article 22	Article 22 of the Former Act as it applies following the replacement of terms in respect of the provisions that are to remain in force pursuant to Article 14, paragraph (1) of the Supplementary Provisions of the Ethanol Business Act
Article 25	Article 20	Article 20 of the Former Act
	Article 22, paragraph (2)	Article 22, paragraph (2) of the Former Act as it applies following the replacement of terms in respect of the provisions that are to remain in force pursuant to Article 14, paragraph (1) of the Supplementary Provisions of the Ethanol Business Act
Article 29-5, paragraph (2)	Article 20	Article 20 of the Former Act
	the person purchasing the ethanol or the ethanol seller	the person purchasing the ethanol

Article 30, paragraph (1)	ethanol manufactur er, ethanol seller, or...Article 20	Article 20 of the Former Act
Article 30, paragraph (1), item (ii)	manufactur e or payment on receipt	payment on receipt
Article 30, paragraph (1), item (iii)	during manufactur e, sale, or use	during use

**Supplementary Provisions [Act No. 364 of August 8, 2003] [Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of its promulgation; provided, however, that Article 5 through Article 11, Article 7 through Article 11, and Article 14 through Article 31 of the Supplementary Provisions come into effect as of October 1, 2003.

**Supplementary Provisions [Act No. 346 of November 16, 2005]**

This Cabinet Order comes into effect as of April 1, 2006.