

# Act on the Protection of the Ozone Layer Through the Control of Specified Substances and Other Measures

(Act No. 53 of May 20, 1988)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is, with a view to protecting the ozone layer through international cooperation, to set in place measures, etc. for controlling the manufacture, reducing the emissions, and rationalizing the use of specified substances, in order to ensure the appropriate and smooth implementation of the Vienna Convention for the Protection of the Ozone Layer (hereinafter referred to as "the Convention") and the Montreal Protocol on Substances that Deplete the Ozone Layer (hereinafter referred to as "the Protocol"), thereby contributing to protecting people's health and conserving the living environment.

(Definitions, etc.)

- Article 2 (1) The term "specified substance" as used in this Act means a substance which depletes the ozone layer and which is specified by Cabinet Order.
- (2) The kinds of specified substances under this Act are specified by Cabinet Order.
- (3) The quantity of specified substances under this Act is the quantity arrived at by multiplying the amount of the specified substance by the ozone depletion coefficient specified by Cabinet Order.
- (4) The Cabinet Order set forth in the preceding three paragraphs shall be

established in accordance with the provisions of the Protocol.

(Publication of Fundamental Matters, etc.)

Article 3 (1) The Minister of Economy, Trade and Industry and the Minister of the Environment shall, in order to ensure the appropriate and smooth implementation of the Convention and the Protocol, establish the following matters and publish them; the same shall apply when they have changed any such matters:

- (i) the standardized limits for the levels of production and consumption (meaning the calculated levels of production and consumption prescribed in the Protocol; the same shall apply hereinafter) of each kind of specified substance, which Japan must observe based on the provisions of the Protocol;
- (ii) important matters involving the dissemination of information on the significance of protecting the ozone layer and implementation of any other policies for seeking the understanding and cooperation of the people with regard to the protection of the ozone layer; and
- (iii) beyond what is set forth in the preceding item, important matters involving the implementation of policies on the protection of the ozone layer.

(2) The Minister of Economy, Trade and Industry shall publish the actual figures for the level of production, the level of consumption, and other quantities of specified substances specified by Ordinance of the Ministry of Economy, Trade and Industry, for each kind of substance and for each control year set forth in paragraph (1) of the following Article.

## **Chapter II Controls on the Manufacture, etc. of Specified Substances**

(Permission for a Quantity of Manufacture)

Article 4 (1) A person who seeks to manufacture specified substances must, for each kind of substance and for each control year (meaning the period specified by Ordinance of the Ministry of Economy, Trade and Industry for each kind of specified substance, in accordance with the provisions of the Protocol; the same shall apply hereinafter), receive permission from the Minister of Economy, Trade and Industry for the quantity of the specified substance the person seeks to manufacture during said control year; provided, however, that this does not apply in any of the following cases:

- (i) when a person who had received the permission set forth in Article 5-2, paragraph (1) manufactures the permitted specified substance in a quantity not exceeding the permitted quantity;
- (ii) when a person who has received the confirmation set forth in Article 11, paragraph (1) or Article 12, paragraph (1) manufactures the confirmed kind of specified substance in a quantity not exceeding the confirmed quantity;

- (iii) when a person who has received the confirmation set forth in Article 13, paragraph (1) manufactures the confirmed specified substance in a quantity not exceeding the confirmed quantity; or
  - (iv) when a person manufactures a specified substance in a quantity not exceeding the fixed quantity specified by Cabinet Order.
- (2) A person who seeks to receive the permission set forth in the preceding paragraph must submit a written application detailing the following particulars to the Minister of Economy, Trade and Industry within the period of which the Minister issues a public notice:
- (i) the name and address of the applicant, and if the applicant is a juridical person, the name of its representative;
  - (ii) the quantity in which the applicant seeks to manufacture the specified substance after receiving the permission set forth in the preceding paragraph;
  - (iii) the place of manufacture and storage;
  - (iv) the structure and capacity of the manufacturing facility;
  - (v) the quantity of the specified substance to be manufactured by the applicant which is expected to be exported during the control year (referred to as the "expected export quantity" in Article 8, paragraph (ii)) and its point of destination; and
  - (vi) other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (3) A person who seeks to manufacture a specified substance in a quantity not exceeding the fixed quantity specified by Cabinet Order which is set forth in paragraph (1), item (iv) must notify the Minister of Economy, Trade and Industry of the quantity of manufacture, pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry.

(Designation of the Quantity of Manufacture for Export)

- Article 5 (1) The Minister of Economy, Trade and Industry may, when giving the permission set forth in paragraph (1) of the preceding Article, designate all or part of the quantity for which permission is given as the quantity of manufacture for export.
- (2) The Minister of Economy, Trade and Industry specifies the point of destination when designating the quantity of manufacture for export under the provisions of the preceding paragraph.
  - (3) The Minister of Economy, Trade and Industry may, based on an application filed by a person who has received the designation under the provisions of paragraph (1), make a change to the designation.
  - (4) When a designation has been made under the provisions of paragraph (1), the person who has received the designation must ensure that, in manufacturing

the specified substance in the quantity of manufacture for export, the quantity manufactured does not exceed the fixed export quantity (meaning the quantity of the specified substance (limited to the kind of substance under the designation) manufactured by said person for which the Minister of Economy, Trade and Industry has given confirmation, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, that the substance has been exported or is certain to be exported to the point of destination under the designation set forth in said paragraph during the relevant control year) as of the time of manufacture.

- (5) The procedures for filing the application set forth in paragraph (3) are specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Permission for a Quantity of Manufacture for Each Specified Substance)

Article 5-2 (1) In addition to the permission set forth in Article 4, paragraph (1), when the Minister of Economy, Trade and Industry finds it necessary in order to ensure the appropriate implementation of the Protocol, he/she may give permission in terms of each specified substance and for each control year for the quantities of specified substance any person seeks to manufacture during said control year.

- (2) When the Minister of Economy, Trade and Industry seeks to give permission in terms of the quantity of manufacture for each specified substance under the provisions of the preceding paragraph, he/she shall issue a public notice to that effect.

- (3) The provisions of Article 4, paragraph (2) apply mutatis mutandis to the permission set forth in paragraph (1).

(Approval for Import)

Article 6 A person who seeks to import a specified substance shall be placed under the obligation to receive approval for import pursuant to the provisions of Article 52 of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949).

(Standards for Permission, etc.)

Article 7 When the Minister of Economy, Trade and Industry reaches a disposition concerning the permission set forth in Article 4, paragraph (1) or Article 5-2, paragraph (1), a designation under the provisions of Article 5, paragraph (1) or a change under the provisions of paragraph (3) of said Article, or an approval for import set forth in the preceding Article, he/she shall ensure that the level of production and level of consumption of each kind of specified substance in Japan does not exceed the limits that Japan must observe based on the provisions of the Protocol, and shall give consideration to the status and

trends of the manufacture, import, export, and any other circumstances regarding the specified substances.

(Permission for an Increase in the Permitted Quantity of Manufacture)

Article 8 (1) A person who has received the permission set forth in Article 4, paragraph (1) or Article 5-2, paragraph (1) (hereinafter referred to as a "permitted manufacturer") may, within the control year under permission and within the period of which the Minister of Economy, Trade and Industry issues public notice, file an application for permission for an increase in the quantity subject to the permission set forth in Article 4, paragraph (1) or Article 5-2, paragraph (1) (hereinafter referred to as the "permitted quantity of manufacture").

(2) The application under the provisions of the preceding paragraph must be submitted to the Minister of Economy, Trade and Industry as a written application that details the following particulars:

(i) the name and address of the applicant, and if the applicant is a juridical person, the name of its representative;

(ii) the desired increase in the permitted quantity of manufacture;

(iii) the expected export quantity and its point of destination; and

(iv) other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.

(3) The provisions of Article 5 and the preceding Article apply *mutatis mutandis* to the permission for an increase set forth in paragraph (1).

(Notification of a Change in the Permitted Manufacturer, etc.)

Article 9 (1) A permitted manufacturer must, when there has been a change in any of the particulars listed in Article 4, paragraph (1), item (i), (iii), or (iv) (including as applied *mutatis mutandis* pursuant to Article 5-2, paragraph (3)), notify the Minister of Economy, Trade and Industry to that effect without delay, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

(2) If it has become certain that the quantity of a specified substance that a permitted manufacturer seeks to manufacture during the control year under permission (hereinafter referred to as the "expected quantity of manufacture") will fall below the permitted quantity of manufacture (or, if a disposition has been reached to give permission for the increase as set forth in paragraph (1) of the preceding Article, to make a reduction under the provisions of Article 16, paragraph (1), or to make a decrease under the provisions of paragraph (2) of said Article, the quantity as changed by such disposition), the permitted manufacturer must notify the Minister of Economy, Trade and Industry of the expected quantity of manufacture without delay, pursuant to the provisions of

Ordinance of the Ministry of Economy, Trade and Industry.

- (3) When a notification under the provisions of the preceding paragraph has been made, the permitted quantity of manufacture of the person that made the notification shall be changed to the expected quantity of manufacture under the notification.

(Conditions on Permission)

Article 10 (1) Conditions may be attached to the permission set forth in Article 4, paragraph (1) or Article 5-2, paragraph (1) or to the permission for an increase set forth in Article 8, paragraph (1), and such conditions may be changed.

- (2) The conditions referred to in the preceding paragraph must constitute the minimum extent of conditions necessary for ensuring the appropriate and smooth implementation of the Protocol or for achieving the secure implementation of the particulars of the permission, and must not impose any unreasonable obligation on the person who receives the permission.

(Confirmation of the Quantity of Manufacture)

Article 11 (1) A person who seeks to manufacture a specified substance may, for each kind of substance and for each control year, prove, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, that the specified substance has been destroyed or is certain to be destroyed during the control year in accordance with the standards specified by Ordinance of the Ministry of Economy, Trade and Industry and Ordinance of the Ministry of the Environment, and receive confirmation from the Minister of Economy, Trade and Industry that said person may manufacture the specified substance (limited to the kind of substance for which the person has given the proof) in the quantity for which said person has given that proof.

- (2) A person who seeks to receive the confirmation set forth in the preceding paragraph must, for each kind of specified substance, submit a written application detailing the following particulars and accompanied by documents giving the proof under the provisions of said paragraph, to the Minister of Economy, Trade and Industry:
- (i) the name and address of the applicant, and if the applicant is a juridical person, the name of its representative;
  - (ii) the name and address of the person who has destroyed or is certain to destroy the substance, and if said person is a juridical person, the name of its representative;
  - (iii) the quantity of the substance that has been or is certain to be destroyed, and the place and date of its destruction;
  - (iv) the place of manufacture and storage of the specified substance the applicant seeks to manufacture; and

- (v) other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.

Article 12 (1) A person who seeks to manufacture a specified substance may, for each kind of substance and for each control year, prove, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, that the specified substance has been used or is certain to be used as a raw material in the manufacturing process of a substance other than said specified substance (excluding a mixture of the specified substance and a substance other than said substance) during the control year, and receive confirmation from the Minister of Economy, Trade and Industry that said person may manufacture the specified substance (limited to the kind of substance for which the person has given the proof) in the quantity or which said person has given that proof.

(2) A person who seeks to receive the confirmation set forth in the preceding paragraph must, for each kind of specified substance, submit a written application detailing the following particulars and accompanied by documents giving the proof under the provisions of said paragraph to the Minister of Economy, Trade and Industry:

- (i) the name and address of the applicant, and if the applicant is a juridical person, the name of its representative;
- (ii) the name and address of the person who has used or is certain to use the substance as a raw material, and if said person is a juridical person, the name of its representative;
- (iii) the quantity of the substance that has been or is certain to be used as a raw material, and the place and date of its use as a raw material;
- (iv) the place of manufacture and storage of the specified substance the applicant seeks to manufacture; and
- (v) other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.

Article 13 (1) A person who seeks to manufacture a specified substance prescribed by Cabinet Order (hereinafter referred to as a "designated specified substance") may, for each control year, prove, pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry, that the specified substance has been used or is certain to be used for the purpose specified by Cabinet Order (hereinafter referred to as the "specified purpose") during the control year, and receive confirmation from the Minister of Economy, Trade and Industry that said person may manufacture the specified substance in the quantity for which the person has given the proof.

(2) A person who seeks to receive the confirmation set forth in the preceding

paragraph must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, submit a written application detailing the following particulars and accompanied by documents giving the proof under the provisions of said paragraph to the Minister of Economy, Trade and Industry:

(i) the name and address of the applicant, and if the applicant is a juridical person, the name of its representative;

(ii) the quantity of the substance that has been used or is certain to be used for the specific purpose;

(iii) the place of manufacture and storage of the specified substance the applicant seeks to manufacture; and

(iv) other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.

(3) In the cases specified by Cabinet Order those in which a person who manufactures a designated specified substance takes measures to prevent the designated specified substance that said person manufactures from being used for a purpose other than the specified purpose before delivering the substance to another person, with regard to the application of the provisions of Article 4, paragraph (1), the manufacture of the designated specified substance that said person delivers is deemed to be carried out by a person who has received the confirmation set forth in paragraph (1), within the scope of the quantity under the confirmation.

(Notification of a Change in the Confirmed Manufacturer)

Article 14 A person who has received the confirmation set forth in Article 11, paragraph (1), Article 12, paragraph (1) or paragraph (1) of the preceding Article (hereinafter referred to as a "confirmed manufacturer") must, when there has been a change in any of the particulars listed in Article 11, paragraph (2), item (i) or (iv), Article 12, paragraph (2), item (i) or (iv), or paragraph (2), item (i) or (iii) of the preceding Article, notify the Minister of Economy, Trade and Industry to that effect without delay.

(Succession)

Article 15 (1) When a permitted manufacturer or a confirmed manufacturer has transferred the entirety of the business of manufacturing the kind of specified substance subject to the permission or confirmation, or when there has been an inheritance, merger, or split (limited to an inheritance, merger, or split resulting in the succession of the entirety of the business of manufacturing the kind of specified substance subject to the permission or confirmation) involving a permitted manufacturer or a confirmed manufacturer, the person who has received the entirety of said business or the heir (if there are two or more heirs, and the heir who should continue the business has been appointed by

unanimous consent, such appointed person), the juridical person surviving the merger, the juridical person formed by the merger, or the juridical person that has succeeded to the entirety of said business through the split shall succeed to the status of permitted manufacturer or confirmed manufacturer.

- (2) A person who has succeeded to the status of permitted manufacturer or confirmed manufacturer pursuant to the provisions of the preceding paragraph must submit a notification of this to the Minister of Economy, Trade and Industry without delay, accompanied by documents proving the fact of succession.

(Rescission of Permission, etc.)

Article 16 (1) The Minister of Economy, Trade and Industry may, if a permitted manufacturer falls under any of the following items, rescind the permission set forth in Article 4, paragraph (1) or Article 5-2, paragraph (1), or reduce the permitted quantity of manufacture:

- (i) if the permitted manufacturer receives the permission set forth in Article 4, paragraph (1) or Article 5-2, paragraph (1), or the permission for a change under the provisions of Article 5, paragraph (3) or for an increase as set forth in Article 8, paragraph (1) by wrongful means;
- (ii) if the permitted manufacturer manufactures a specified substance in violation of the provisions of Article 5, paragraph (4); or
- (iii) if the permitted manufacturer violates the conditions set forth in Article 10, paragraph (1).

- (2) When a permitted manufacturer satisfies the requirements specified by Ordinance of the Ministry of Economy, Trade and Industry for a case in which it has become certain that the expected quantity of manufacture will fall below the permitted quantity of manufacture (or, if permission for an increase set forth in Article 8, paragraph (1) has been given, a notification under the provisions of Article 9, paragraph (2) has been submitted, or a reduction under the provisions of the preceding paragraph has been made, the quantity as changed by such disposition or notification), the Minister of Economy, Trade and Industry may decrease the permitted quantity of manufacture if he/she finds it particularly necessary in consideration of the circumstances prescribed in Article 7.

- (3) If a confirmed manufacturer has received the confirmation set forth in Article 11, paragraph (1), Article 12, paragraph (1), or Article 13, paragraph (1) by wrongful means, the Minister of Economy, Trade and Industry may rescind said confirmation or reduce the confirmed quantity.

### **Chapter III Notifications for Specified Substances, etc.**

(Notification of the Export of a Specified Substance)

Article 17 A person who has exported a specified substance must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry every year of the export quantity in the previous year and of other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Delegation to Cabinet Order)

Article 18 Beyond what is provided for in the preceding Article, necessary provisions concerning notification of the quantity of manufacture, export quantity, import quantity, or any other particulars of substances that deplete the ozone layer may be established by Cabinet Order to the extent that is found necessary for assessing the quantities that need to be assessed in order to establish limits for the levels of production and consumption for each kind of specified substance and any other particulars that Japan must report under the Protocol.

#### **Chapter IV Reducing Emissions and Rationalizing the Use of Specified Substances**

(Efforts by User Enterprises)

Article 19 A person who uses a specified substance (including a substance that is not a specified substance but which is prescribed by Cabinet Order; hereinafter the same shall apply in this Article through Article 23) in the course of trade must endeavor to reduce emissions and rationalize the use of the specified substance that said person uses (including through the use of substances that serve as an alternative to the specified substance; the same shall apply in the following Article).

(Publication of Guidelines for Reducing Emissions and Rationalizing Use, etc.)

Article 20 (1) If the Minister of Economy, Trade and Industry and the Minister of the Environment find it necessary for ensuring the smooth implementation of the Convention and the Protocol, they shall formulate guidelines for persons who use specified substances in the course of trade to reduce emissions and rationalize the use of specified substances (hereinafter referred to as "guidelines for reducing emissions and rationalizing use"), and shall publish the same.

(2) The competent minister may provide a person who uses a specified substance in the course of trade with guidance and advice on reducing emissions and rationalizing the use of the specified substance in accordance with the guidelines for reducing emissions and rationalizing use.

- (3) The Minister of the Environment may give his/her opinion to the competent minister with regard to the provision of guidance and advice on reducing emissions under the provisions of the preceding paragraph.
- (4) The Minister of Economy, Trade and Industry may give his/her opinion to the competent minister with regard to the provision of guidance and advice on rationalizing use under the provisions of paragraph (2).
- (5) The competent minister referred to in paragraph (2) is the minister with jurisdiction over the business of the person subject to the guidance and advice set forth in said paragraph.

## **Chapter V Miscellaneous Provisions**

(Support from the State)

Article 21 The State shall endeavor to secure the funds necessary for promoting the development and use of substances that serve as alternatives to specified substances and the development and use of facilities that contribute to reducing emissions or rationalizing the use of specified substances, and to provide any other support.

(Observation and Monitoring)

Article 22 (1) The Director-General of the Japan Meteorological Agency shall observe the state of the ozone layer and the status of the atmospheric concentrations of specified substances, and shall publish the results of his/her observation.

(2) Using the results of the observation under the provisions of the preceding paragraph, etc., the Minister of the Environment shall monitor the status of the depletion of the ozone layer by specified substances and the status of changes in the atmospheric concentrations of specific substances, and shall publish the results of his/her monitoring.

(Promotion of Research, etc.)

Article 23 The State shall promote research into the effects of specified substances on the ozone layer and other surveys and research concerning the protection of the ozone layer, and shall endeavor to disseminate the results of its surveys and research.

(Books)

Article 24 (1) A permitted manufacturer must keep books, and enter therein the quantity of manufacture and the export quantity of the kind of specified substance subject to the relevant permission during the control year under said permission and other particulars specified by Ordinance of the Ministry of

Economy, Trade and Industry.

- (2) The books set forth in the preceding paragraph must be preserved pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

(Collection of Reports)

Article 25 The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have a permitted manufacturer or a confirmed manufacturer report on its operations.

(On-site Inspections)

Article 26 (1) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have officials of the ministry enter an office, plant, or any other workplace of a permitted manufacturer or a confirmed manufacturer, inspect the books, documents, or other articles, ask questions of the persons concerned, or remove, without compensation, a minimum quantity of specified substances necessary for inspection.

- (2) When officials enter a workplace pursuant to the provisions of the preceding paragraph, they must carry an identification card and present it to the persons concerned.
- (3) The authority to carry out an on-site inspection, ask questions, or remove substances under the provisions of paragraph (1) may not be construed as being granted for the purposes of a criminal investigation.

(Special Provisions on Hearings)

Article 27 (1) When the Minister of Economy, Trade and Industry seeks to reach a disposition on a reduction under the provisions of Article 16, paragraph (1), a decrease under the provisions of paragraph (2) of said Article, or a reduction under the provisions of paragraph (3) of said Article, he/she must hold a hearing, irrespective of the category of the procedure for hearing statements of opinion under the provisions of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).

- (2) The proceedings on the date of a hearing involving a disposition under the provisions of Article 16 must be open to the public.
- (3) If an interested party to the disposition in question makes a request to intervene in the hearing proceedings pursuant to the provisions of Article 17, paragraph (1) of the Administrative Procedure Act, the presiding official for the hearing set forth in the preceding paragraph must permit such intervention.

(Hearing of Opinions in Objection Proceedings)

Article 28 (1) A decision on an objection to a disposition under the provisions of

this Act (excluding a decision to dismiss) must be made after a public hearing of opinions has been held following a reasonable amount of advance notice to the person subject to the disposition.

- (2) The advance notice set forth in the preceding paragraph must specify the hearing date, place, and details of the case.
- (3) At the hearing of opinions set forth in paragraph (1), the person subject to the disposition and interested persons must be given the opportunity to produce evidence and state their opinions on the case.

(Consultation with the Minister of Agriculture, Forestry and Fisheries)

Article 28-2 (1) The Minister of Economy, Trade and Industry must consult with the Minister of Agriculture, Forestry and Fisheries in any of the following cases:

- (i) when seeking to give the permission set forth in Article 4, paragraph (1) with regard to the manufacture of a specified substance of a kind that includes any specified substance prescribed by Cabinet Order;
  - (ii) when seeking to make a designation under the provisions of Article 5, paragraph (1) with regard to the quantity subject to the permission set forth in the preceding item or when seeking to change such designation pursuant to the provisions of paragraph (3) of said Article;
  - (iii) when seeking to give the permission set forth in Article 5-2, paragraph (1) with regard to the manufacture of a specified substance prescribed by Cabinet Order set forth in item (i);
  - (iv) when seeking to give the permission for an increase set forth in Article 8, paragraph (1) with regard to the quantity subject to the permission set forth in item (i) or the preceding item, or when seeking to make a disposition for a reduction under the provisions of Article 16, paragraph (1) or for a decrease under the provisions of paragraph (2) of said Article with regard to such quantity; and
  - (v) when seeking to attach or change the conditions pursuant to the provisions of Article 10, paragraph (1) with regard to the permission set forth in item (i) or (iii), or when seeking to make a rescission under the provisions of Article 16, paragraph (1) with regard to such permission.
- (2) When the Minister of Economy, Trade and Industry and the Minister of the Environment seek to formulate guidelines for emissions reduction and rationalizing use, they must consult with the Minister of Agriculture, Forestry and Fisheries with regard to the particulars of the specified substances prescribed by Cabinet Order which are set forth in item (i) of the preceding paragraph.

(Transitional Measures)

Article 29 When any order is established, revised, or abolished based on the provisions of this Act, the necessary transitional measures (including transitional measures for penal provisions) may be provided for by that order to the extent found to be reasonably necessary for the enactment, revision, or abolition thereof.

## **Chapter VI Penal Provisions**

Article 30 A person who manufactures a specified substance in violation of the provisions of Article 4, paragraph (1) or Article 5, paragraph (4) is sentenced to imprisonment with work for not more than three years, a fine of not more than one million yen, or both.

Article 31 A person who falls under any of the following items is sentenced to a fine of not more than two hundred thousand yen:

- (i) a person who fails to make a notification under the provisions of Article 17 or who makes a false notification;
- (ii) a person who, in violation of the provisions of Article 24, paragraph (1), fails to keep books, fails to make entries in the books, or makes false entries in the books, or who, in violation of the provisions of paragraph (2) of said Article, fails to preserve the books;
- (iii) a person who fails to make a report under the provisions of Article 25 or who makes a false report; or
- (iv) a person who refuses, obstructs, or evades the inspection or removal under the provisions of Article 26, paragraph (1), who fails to give an answer to a question under the provisions of said paragraph, or who gives a false answer.

Article 32 When the representative of a juridical person or the agent, employee, or any other worker of a juridical person or an individual commits any of the violations set forth in the preceding two Articles with regard to the business of the juridical person or individual, in addition to the offender being punished, the juridical person or individual is subject to the fine set forth in the relevant Articles.

Article 33 A person who fails to make a notification under Article 4, paragraph (3), Article 9, paragraph (1), Article 14, or Article 15, paragraph (2) or who makes a false notification is subject to a non-criminal fine of not more than one hundred thousand yen.

Article 34 The Cabinet Order based on the provisions of Article 18 may provide that a person who violates the provisions of the Cabinet Order be punished by

a fine of not more than two hundred thousand yen, and that if the representative of a juridical person or the agent, employee, or any other worker of a juridical person or individual commits such violation with regard to the business of the juridical person or individual, in addition to the offender being punished, the juridical person or individual is subject the fines set forth in the relevant Article.

### **Supplementary Provisions**

(Effective Date)

- Article 1 (1) This Act comes into effect as of the day of its promulgation; provided, however, that the provisions listed in the following items come into effect as of the days specified respectively in those items:
- (i) the provisions of Chapter III of the Act and Article 3 of the Supplementary Provisions: the day on which the Convention becomes effective in Japan;
  - (ii) the provisions of Article 3, Chapter II, Section I, Articles 27 through 30, Article 32, Article 33, Article 34 (excluding item (ii)), Article 35 (excluding items (ii), (iv), and (vi)), Article 36, and Article 37 (excluding item (ii)) of the Act: the day on which the Protocol becomes effective in Japan; and
  - (iii) the provisions of Chapter II, Section 2, Article 31, Article 34, item (ii), Article 35, items (ii), (iv), and (vi), and Article 37, item (ii): the day on which two years and six months have elapsed from the day on which the Protocol becomes effective in Japan.
- (2) Notwithstanding the provisions of the preceding paragraph, if the day on which the Protocol becomes effective in Japan falls after the day on which the Protocol becomes effective or after January 1, 1993, the provisions listed in items (ii) and (iii) of said paragraph come into effect on the day specified by Cabinet Order.

(Reports)

- Article 2 The Minister of International Trade and Industry may, in order to calculate the levels of production and consumption prescribed in Article 3, paragraph (1), item (i), request a person who has manufactured, exported, or imported the substances listed in Annex A of the Protocol during 1986 to report on the quantity of manufacture, export, or import.

(Partial Revision of the Local Tax Act)

- Article 3 The Local Tax Act (Act No. 226 of 1950) is partially revised as follows:
- The following paragraph is added to Article 15 of the Supplementary Provisions.

- (33) Notwithstanding the provisions of Article 349-2, the tax base for the fixed

asset tax imposed on a machine or any other equipment specified by Ordinance of the Ministry of Home Affairs which contributes to reducing the emissions and rationalizing the use of a specified chlorofluorocarbon provided for in Article 2, paragraph (1) of the Act on the Protection of the Ozone Layer Through the Control of Specified Substances and Other Measures (Act No. 53 of 1988), and which is newly acquired between the day of enforcement of the provisions of Chapter III of said Act and March 31, 1990, by a person who uses the specified chlorofluorocarbon in the course of trade, is three-fifths of the value of the machine or other equipment that is to serve as the tax base for the fixed asset tax, with regard to the fixed asset tax for three fiscal years starting from the fiscal year in which a fixed asset tax was first imposed on said machine or other equipment.

(Partial Revision of the Act Establishing the Ministry of the Environment)

Article 4 The Act Establishing the Ministry of the Environment (Act No. 88 of 1971) is partially revised as follows:

The following item is added after Article 4, item (xiv).

(xiv)-2 processing of affairs involved in the enforcement of the Act on the Protection of the Ozone Layer Through the Control of Specified Substances and Other Measures (Act No. 53 of 1988) that are under the jurisdiction of the ministry;

(Partial Revision of the Act Establishing the Ministry of International Trade and Industry)

Article 5 The Act Establishing the Ministry of International Trade and Industry (Act No. 275 of 1952) is partially revised as follows:

The following item is added after Article 4, item (lxiii).

(lxiii)-2 processing of affairs involved in the enforcement of the Act on the Protection of the Ozone Layer Through the Control of Specified Substances and Other Measures (Act No. 53 of 1988) that are under the jurisdiction of the ministry;

**Supplementary Provisions [Act No. 8 of March 30, 1991Act No. 154 of December 3, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into force as of the day on which the revision of the Montreal Protocol on Substances that Deplete the Ozone Layer (hereinafter referred to as "the Protocol") that was adopted on June 29, 1990, comes into force in Japan (hereinafter referred to as the "effective date of the Protocol revision") (if the effective date of the Protocol revision comes after July 1, 1992,

the day specified by Cabinet Order); provided, however, that the provisions of Article 1 come into effect as of the day of the promulgation of this Act.

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

(Effective Date)

Article 1 This Act comes into effect as of the day of enforcement of the Administrative Procedures Act (Act No. 88 of 1993).

(Transitional Measures for Adverse Dispositions Following Appeal, etc.)

Article 2 If, prior to the enforcement of this Act, an appeal or any other request has been filed pursuant to laws and regulations with a council or any other panel, asking for the establishment of procedures equivalent to the procedures for holding a hearing, procedures for the grant of an opportunity for explanation, or any other procedures for hearing statements of opinion as provided for in Article 13 of the Administrative Procedure Act should be implemented, notwithstanding the provisions of the relevant Acts revised by this Act, the provisions then in force remain applicable for procedures for an adverse disposition in connection with said appeal or other request .

(Transitional Measures for Penal Provisions)

Article 13 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, the provisions then in force remain applicable.

(Transitional Measures for the Arrangement of Provisions for Hearings)

Article 14 Hearings (excluding those involving adverse dispositions) held pursuant to the provisions of any Act prior to the enforcement of this Act and procedures therefor are deemed to have been carried out pursuant to the corresponding provisions of the relevant Acts after their revision by this Act.

(Delegation to Cabinet Order)

Article 15 Beyond what is provided for in Article 2 of the Supplementary Provisions through the preceding Article, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 54 of June 29, 1994] [Extract]**

(Effective Date)

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

(Transitional Measures)

Article 2 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, the provisions then in force remain applicable.

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

(Effective Date)

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

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

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect as of January 6, 2001.

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

(Effective Date)

(1) This Act comes into effect as of the day of enforcement of the Act Partially Revising the Commercial Code (Act No. 90 of 2000).

(Transitional Measures)

(2) If the day of enforcement of this Act falls before the day of enforcement of the provisions of Article 8 of the Supplementary Provisions of the Food and Agricultural Materials Inspection Center, Incorporated Administrative Agency Act (Act No. 183 of 1999), the phrase "Article 27" in the provisions of Article 31 revising Article 19-5-2, Article 19-6, paragraph (1), item (iv), and Article 27 of the Act on the Standardization and Proper Quality Labeling of Agricultural and Forestry Products is deemed to be replaced with "Article 26."