

# Act on the Quality Control of Gasoline and Other Fuels

(Act No. 88 of November 25, 1976)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to implement the measures necessary for the sale, etc. of gasoline, diesel, and kerosene, which are petroleum products closely related to the lives of the people, in order to ensure the stable supply of the products at a proper level of quality and thereby contribute to protecting the interests of consumers, while implementing the measures necessary to ensure the proper execution of international commitments concerning the prevention of marine pollution and other problems in connection with heavy oil.

(Definition)

Article 2 (1) The term "petroleum product" as used in this Act means gasoline, diesel, kerosene, heavy oil, and other equivalent hydrocarbon-based oils (including mixtures of hydrocarbons and other substances and simple hydrocarbons; the same applies hereinafter) as well as petroleum gas

(including liquefied gas) specified by Order of the Ministry of Economy, Trade and Industry.

- (2) The term "gasoline" as used in this Act means a hydrocarbon-based oil of which the 90 percent distillation temperature is at or below a temperature specified by Order of the Ministry of Economy, Trade and Industry within the range not exceeding 180 degrees Celsius according to a method of testing distillation characteristics specified by Order of the Ministry of Economy, Trade and Industry.
- (3) The term "gasoline-filling station" as used in this Act means a facility where automobiles are refueled with gasoline (including any petroleum products that can be used for the same uses as gasoline as specified by Order of the Ministry of Economy, Trade and Industry; hereinafter, the same applies in this paragraph and the following paragraph) using refueling equipment specified by Order of the Ministry of Economy, Trade and Industry and that is used for the distribution of gasoline.
- (4) The term "gasoline distribution business" as used in this Act means a business of distributing gasoline using a facility set forth in the preceding paragraph.
- (5) The term "processing" as used in this Act means the action of adjusting the quality of petroleum products by way of a method other than refinement.
- (6) The term "specified processing" as used in this Act means the action of adjusting the quality of petroleum products by blending an petroleum product with a substance other than an petroleum product (limited to any substance that could significantly affect the quality of the petroleum product that is to be produced through blending if the method of blending is not appropriate) as specified by Order of the Ministry of Economy, Trade and Industry for each applicable petroleum product (hereinafter referred to as "additives").
- (7) The term "specified processing business of gasoline" as used in this Act means a business of producing gasoline through specified processing.
- (8) The term "diesel" as used in this Act means a hydrocarbon-based oil of which the 90 percent distillation temperature is at or below a temperature specified by Order of the Ministry of Economy, Trade and Industry within a range not exceeding 360 degrees Celsius according to a method of testing distillation characteristics specified by Order of the Ministry of Economy, Trade and Industry and of which the specific gravity at a temperature of 15 degrees Celsius is no greater than 0.8757 (excluding oil for which the ratio by weight of the carbon residue content of 10 percent residual oil is at or greater than the ratio specified by Order of the Ministry of Economy, Trade and Industry, measured according to a method of testing specified by Order of the Ministry of Economy, Trade and Industry conducted with specific gravity at or above 0.83 at a temperature of 15 degrees Celsius to the relevant residual oil, as well as

gasoline prescribed in paragraph (2) and kerosene prescribed in paragraph (11)).

- (9) The term "diesel distributor" as used in this Act means a person engaging in the business of distributing diesel (including any petroleum products that can be used for the same purposes as diesel as specified by Order of the Ministry of Economy, Trade and Industry) to consumers as a fuel for automobiles.
- (10) The term "specified processing business of diesel" as used in this Act means a business of producing diesel through specified processing.
- (11) The term "kerosene" as used in this Act means a hydrocarbon-based oil of which the 95 percent distillation temperature is at or below a temperature specified by Order of the Ministry of Economy, Trade and Industry within the range not exceeding 270 degrees Celsius according to a method of testing distillation characteristics specified by Order of the Ministry of Economy, Trade and Industry (excluding Gasoline prescribed in paragraph (2)).
- (12) The term "kerosene distributor" as used in this Act means a person engaging in the business of distributing to consumers as fuel for indoor combustion-type equipment or apparatuses (hereinafter referred to as "indoor combustion fuel") kerosene (including any petroleum products that can be used for the same uses as kerosene as specified by Order of the Ministry of Economy, Trade and Industry).
- (13) The term "heavy oil" as used in this Act means a hydrocarbon-based oil of which the 90 percent distillation temperature is at or below a temperature specified by Order of the Ministry of Economy, Trade and Industry within the range not exceeding 360 degrees Celsius according to a method of testing distillation characteristics specified by Order of the Ministry of Economy, Trade and Industry or of which the specific gravity at a temperature of 15 degrees Celsius is greater than 0.8757 (including oil for which the ratio by weight of the carbon residue content of 10 percent residual oil is at or greater than the ratio specified by Order of the Ministry of Economy, Trade and Industry, measured according to a method of testing specified by Order of the Ministry of Economy, Trade and Industry, conducted with specific gravity at or above 0.83 and at or below 0.8757 at a temperature of 15 degrees Celsius to the relevant residual oil) and that are other than gasoline prescribed in paragraph (2) or kerosene prescribed in paragraph (11).
- (14) The term "heavy oil distributor" as used in this Act means a person engaging in the business of distributing heavy oil (including any petroleum products that can be used for the same purposes as heavy oil as specified by Order of the Ministry of Economy, Trade and Industry) as a fuel for vessels (which means ships prescribed in Article 3, item (i) of the Act on the Prevention of Marine Pollution and Maritime Disasters (Act No. 136 of 1970); the same applies in Article 17-11, paragraph (1)) or seabed drilling facilities or other relevant

facilities (which means facilities that are used for seabed drilling or mining of natural resources as specified by Order of the Ministry of Economy, Trade and Industry; the same applies in Article 17-11, paragraph (1)) to the users thereof.

## **Chapter II Registration**

### **Section 1 Registration of Gasoline Distributors**

(Registration of Gasoline Distributors)

Article 3 A person intending to engage in gasoline distribution business must become registered with the Minister of Economy, Trade and Industry.

(Application for Registration of Gasoline Distributors)

Article 4 (1) A person intending to become registered as prescribed in the preceding Article must submit to the Minister of Economy, Trade and Industry a written application in which the following matters are stated, as provided for by Order of the Ministry of Economy, Trade and Industry:

(i) the applicant's name, address, and in the case of a corporation, the name of its representative;

(ii) the locations of the gasoline-filling stations, and the scale of the refueling equipment set forth in Article 2, paragraph (3); and

(iii) in the case of a corporation, the names of the officers that execute its operations.

(2) A written business plan stating the date for the commencement of business at each gasoline-filling station and other matters specified by Order of the Ministry of Economy, Trade and Industry, as well as the documents specified by Order of the Ministry of Economy, Trade and Industry, must be attached to the written application set forth in the preceding paragraph.

(Registration of Gasoline Distributors and its Notice)

Article 5 (1) When an application for registration referred to in Article 3 is filed, the Minister of Economy, Trade and Industry must register the matters set forth in the items of paragraph (1) of the preceding Article, the date of registration, and the registration number in the register of gasoline distributors, except when the registration is refused pursuant to the provisions of paragraph (1) of the following Article.

(2) When having made a registration pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry must give notice thereof to the applicant without delay.

(Refusal of Registration of Gasoline Distributors)

Article 6 (1) When a person that has submitted a written application set forth in

Article 4, paragraph (1) falls under any of the following items, or when the relevant written application or written business plan set forth in paragraph (2) of that Article contains a false statement concerning a material matter or a statement of a material fact has been omitted therefrom, the Minister of Economy, Trade and Industry must refuse its registration:

- (i) a person sentenced pursuant to the provisions of this Act, for whom two years have not yet elapsed since the day on which the person finished serving the sentence or ceased to be subject to its enforcement;
  - (ii) a person whose registration was rescinded pursuant to the provisions of Article 11, paragraph (1), for whom two years have not yet elapsed since the date of the rescission;
  - (iii) when a person registered under Article 3 (hereinafter referred to as a "gasoline distributor") and is a corporation has its registration rescinded pursuant to the provisions of Article 11, paragraph (1), a person that was an officer executing the operation of the gasoline distributor within 30 days prior to the date of the disposition, and for whom two years have not yet elapsed since the date of that disposition;
  - (iv) a corporation of which an officer executing its operation is a person that falls under any of the preceding three items; or
  - (v) a person lacking sufficient capabilities to properly engage in gasoline distribution business.
- (2) When refusing a registration pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry must give notice to that effect with the grounds therefor to the applicant without delay.

(Succession to the Status of a Gasoline Distributor)

Article 7 (1) When a gasoline distributor transfers its business in full, or there is an inheritance, merger, or split related to a gasoline distributor (limited to cases involving succession to the business in full), the person that acquires the business in full, or its inheritor (if there are two or more inheritors and one of the inheritors is selected to succeed to the business by the unanimous consent of all inheritors, that inheritor), the corporation surviving the merger, the corporation established through the merger, or the corporation succeeding to the relevant business in full as a result of the split is to succeed to the status of the gasoline distributor; provided, however, that this does not apply when the person that acquires the business in full, its inheritor (if there are two or more inheritors and one of the inheritors is selected to succeed to the business by the unanimous consent of all inheritors, that inheritor), the corporation surviving the merger, the corporation established through the merger, or the corporation succeeding to the relevant business in full as a result of the split falls under any of items (i) through (iv) of paragraph (1) of the preceding Article.

(2) A person that succeeds to the status of a gasoline distributor pursuant to the provisions of the preceding paragraph must notify, without delay, the Minister of Economy, Trade and Industry of that fact, as provided for by Order of the Ministry of Economy, Trade and Industry.

(Registration of Changes by Oil Distributors)

Article 8 (1) A gasoline distributor intending to change the location of a gasoline-filling station set forth in Article 4, paragraph (1), item (ii) or any matters set forth in item (iii) of that paragraph must have the changes registered with the Minister of Economy, Trade and Industry.

(2) The provisions of Article 4, paragraph (2), Articles 5 and 6 apply mutatis mutandis to the registration of changes set forth in the preceding paragraph.

(3) When there is any change in the matters set forth in Article 4, paragraph (1), item (i) or the scale of a gasoline-filing station set forth in item (ii) of that paragraph, the gasoline distributor must notify the Minister of Economy, Trade and Industry of that fact without delay. When the notification is filed, the Minister of Economy, Trade and Industry is to change the relevant registration without delay.

(Notification of Discontinuation by Gasoline Distributors)

Article 9 A gasoline distributor that has discontinued its gasoline distribution business must notify the Minister of Economy, Trade and Industry of that fact without delay.

(Nullification of Registration of Gasoline Distributors)

Article 10 When a gasoline distributor discontinues its gasoline distribution business, the registration of that person under Article 3 ceases to be effective.

(Rescission of Registration of Gasoline Distributors)

Article 11 (1) When a gasoline distributor falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its registration:

(i) when the gasoline distributor falls under the provisions of Article 6, paragraph (1), item (i), (iii), or (iv);

(ii) when the gasoline distributor fails to register a change as set forth in Article 8, paragraph (1); or

(iii) when the gasoline distributor violates an order issued under the provisions of the following paragraph;

(iv) when the gasoline distributor is registered under Article 3 or registers a change under Article 8, paragraph (1) by wrongful means.

(2) When a gasoline distributor falls under any of the following items, the Minister of Economy, Trade and Industry may order the suspension of the

business thereof in full or in part, specifying a period not exceeding six months:

- (i) when the gasoline distributor has failed to register a change under Article 8, paragraph (1) or has failed to file a notification under paragraph (3) of that Article;
  - (ii) when the gasoline distributor violates the provisions of Article 13, Article 14, paragraph (1), or Article 16; or
  - (iii) when the gasoline distributor fails to follow an instruction given under the provisions of Article 18, paragraph (3).
- (3) When making a disposition under the provisions of the preceding two paragraphs, the Minister of Economy, Trade and Industry must give notice to that effect with the grounds therefor to the person to whom that disposition is made without delay.

(Deletion of Registration of Gasoline Distributors)

Article 12 When a registration of a gasoline distributor ceases to be effective, the Minister of Economy, Trade and Industry must delete that registration.

## **Section 2 Registration of Specified Processors of Gasoline**

(Registration of Specified Processors of Gasoline)

Article 12-2 A person intending to engage in specified processing business of gasoline must become registered with the Minister of Economy, Trade and Industry.

(Application for Registration of Specified Processors of Gasoline)

Article 12-3 (1) A person intending to become registered as prescribed in the preceding Article must submit a written application to the Minister of Economy, Trade and Industry in which the following matters are stated, as provided for by Order of the Ministry of Economy, Trade and Industry:

- (i) the applicant's name address, and in the case of a corporation, the name of its representative;
  - (ii) the locations of places where specified processing is to be undertaken;
  - (iii) the types of petroleum products to be subject to specified processing and the additives to be blended with those petroleum products;
  - (iv) the structure of equipment to be used for specified processing; and
  - (v) in the case of a corporation, the names of the officers that execute its operations.
- (2) A written business plan stating the date for the commencement of business at each place where specified processing is to be undertaken and other matters specified by Order of the Ministry of Economy, Trade and Industry, as well as the documents specified by Order of the Ministry of Economy, Trade and

Industry, must be attached to the written application set forth in the preceding paragraph.

(Registration of Specified Processors of Gasoline and Notice Thereof)

Article 12-4 (1) When an application for registration set forth in Article 12-2 is filed, the Minister of Economy, Trade and Industry must register the matters set forth in the items of paragraph (1) of the preceding Article, the date of registration, and the registration number in the register of specified processors of gasoline except when the registration is refused pursuant to the provisions of paragraph (1) of the following Article.

(2) When making a registration pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry must give notice thereof to the applicant without delay.

(Refusal of Registration of Specified Processors of Gasoline)

Article 12-5 (1) When the person that has submitted a written application set forth in Article 12-3, paragraph (1) falls under any of the following items, when it is deemed that matters set forth in item (iv) of the relevant paragraph stated in the written application do not conform to the standards required for properly and reliably undertaking specified processing as specified by Order of the Ministry of Economy, Trade and Industry, or when the relevant written application or written business plan set forth in paragraph (2) of that Article contains a false statement concerning a material matter or a statement of a material fact has been omitted therefrom, the Minister of Economy, Trade and Industry must refuse its registration:

(i) a person sentenced pursuant to the provisions of this Act, for whom two years have not yet elapsed since the day on which the person finished serving the sentence or ceased to be subject to its enforcement;

(ii) a person whose registration was rescinded pursuant to the provisions of Article 12-7, paragraph (1), for whom two years have not yet elapsed since the date of the rescission;

(iii) when a person that became registered under Article 12-2 (hereinafter referred to as a "specified processor of gasoline") and which is a corporation has its registration rescinded pursuant to the provisions of Article 12-7, paragraph (1), a person that was an officer executing the operation of that specified processor of gasoline within 30 days prior to the date of the disposition, for whom two years have not yet elapsed since the date of the disposition; or

(iv) a corporation of which an officer executing its operations is a person falling under any of the preceding three items.

(2) When refusing a registration pursuant to the provisions of the preceding

paragraph, the Minister of Economy, Trade and Industry must give notice to that effect with the grounds therefor to the applicant without delay.

(Registration of Changes by Specified Processors of Gasoline)

Article 12-6 (1) A specified processor of gasoline intending to change any matters set forth in Article 12-3, paragraph (1), items (ii) through (v) must have the changes registered with the Minister of Economy, Trade and Industry.

(2) The provisions of Article 12-3, paragraph (2), and the preceding two Articles apply mutatis mutandis to the registration of changes set forth in the preceding paragraph.

(3) When there is any change in the matters set forth in Article 12-3, paragraph (1), item (i), a specified processor of gasoline must notify the Minister of Economy, Trade and Industry of that fact without delay. When the notification is filed, the Minister of Economy, Trade and Industry is to change the relevant registration without delay.

(Rescission of Registration of Specified Processors of Gasoline)

Article 12-7 (1) When a specified processor of gasoline falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the registration thereof:

(i) when the equipment used for specified processing ceases to conform to the standards specified by the Order of the Ministry of Economy, Trade and Industry set forth in Article 12-5, paragraph (1);

(ii) when the specified processor of gasoline falls under the provisions of Article 12-5, paragraph (1), item (i), (iii), or (iv);

(iii) when the specified processor of gasoline fails to register a change as set forth in paragraph (1) of the preceding Article;

(iv) when the specified processor of gasoline violates an order issued under the provisions of the following paragraph; or

(v) when the specified processor of gasoline has become registered under Article 12-2 or has a change registered under paragraph (1) of the preceding Article by wrongful means.

(2) When a specified processor of gasoline falls under either of the following items, the Minister of Economy, Trade and Industry may order the suspension of its business in full or in part, specifying a period not exceeding six months:

(i) when the specified processor of gasoline fails to have a change registered under paragraph (1) of the preceding Article or fails to file a notification under paragraph (3) of that Article; or

(ii) when the specified processor of gasoline violates the provisions of Article 17-4-2, paragraph (1).

(3) When making a disposition under the provisions of the preceding two

paragraphs, the Minister of Economy, Trade and Industry must give notice to that effect with the grounds therefor to the person to whom the disposition is made without delay.

(Mutatis Mutandis Application)

Article 12-8 The provisions of Article 7, Article 9, Article 10, and Article 12 apply mutatis mutandis to specified processors of gasoline. In this case, the term " paragraph (1), items (i) through (iv) of the preceding Article" in Article 7, paragraph (1) is deemed to be replaced with "the items of Article 12-5, paragraph (1)," and the term "Article 3" in Article 10 is deemed to be replaced with "Article 12-2."

### **Section 3 Registration of Specified Processors of Diesel**

(Registration of Specified Processors of Diesel Oil)

Article 12-9 A person intending to engage in specified processing business of diesel must become registered with the Minister of Economy, Trade and Industry.

(Application for Registration of Specified Processors of Diesel)

Article 12-10 (1) A person intending to become registered as prescribed in the preceding Article must submit a written application to the Minister of Economy, Trade and Industry in which the following matters are stated, as provided for by Order of the Ministry of Economy, Trade and Industry:

- (i) the applicant's name, address, and in the case of a juridical person, the name of its representative;
- (ii) the locations of places where specified processing is to be undertaken;
- (iii) the types of petroleum products to be subject to specified processing and the additives to be blended with those petroleum products;
- (iv) the structure of equipment to be used for specified processing; and
- (v) in the case of a corporation, the names of the officers that execute its operations.

(2) A written business plan stating the date for the commencement of business at each place where specified processing is to be undertaken and other matters specified by Order of the Ministry of Economy, Trade and Industry, as well as the documents specified by Order of the Ministry of Economy, Trade and Industry, must be attached to the written application set forth in the preceding paragraph.

(Registration of Specified Processors of Diesel and Notice Thereof)

Article 12-11 (1) When an application for registration set forth in Article 12-9 is

filed, the Minister of Economy, Trade and Industry must register the matters set forth in the items of paragraph (1) of the preceding Article, the date of registration, and the registration number in the register of specified processors of diesel, except when the registration is refused pursuant to the provisions of paragraph (1) of the following Article.

- (2) When making a registration pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry must give notice thereof to the applicant without delay.

(Refusal of Registration of Specified Processors of Diesel)

Article 12-12 (1) When the person that has submitted a written application set forth in Article 12-10, paragraph (1) falls under any of the following items, when it is deemed that matters set forth in item (iv) of the relevant paragraph stated in the written application do not conform to the standards required for properly and reliably undertaking of specified processing as specified by Order of the Ministry of Economy, Trade and Industry, or when the relevant written application or written business plan set forth in paragraph (2) of that Article contains a false statement concerning a material matter or a statement of a material fact has been omitted therefrom, the Minister of Economy, Trade and Industry must refuse the registration thereof:

- (i) a person sentenced pursuant to the provisions of this Act, for whom two years have not yet elapsed since the day on which the person finished serving the sentence or ceased to be subject to its enforcement;
  - (ii) a person whose registration was rescinded pursuant to the provisions of Article 12-14, paragraph (1), for whom two years have not yet elapsed since the date of the rescission;
  - (iii) when a person that became registered under Article 12-9 (hereinafter referred to as a "specified processor of diesel") and which is a corporation has its registration rescinded pursuant to the provisions of Article 12-14, paragraph (1), a person that was an officer executing the operations of that specified processor of diesel within 30 days prior to the date of the disposition, for whom two years have not yet elapsed since the date of the disposition; or
  - (iv) a corporation to which a person falling under any of the preceding three items belongs as an officer executing its operations.
- (2) When refusing a registration pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry must give notice to that effect with the grounds therefor to the applicant without delay.

(Registration of Changes by Specified Processors of Diesel)

Article 12-13 (1) A specified processor of diesel intending to change any matters

set forth in Article 12-10, paragraph (1), items (ii) through item (v) must have the changes registered with the Minister of Economy, Trade and Industry.

(2) The provisions of Article 12-10, paragraph (2), and the preceding two Articles apply mutatis mutandis to the registration of changes set forth in the preceding paragraph.

(3) When there is any change in the matters set forth in Article 12-10, paragraph (1), item (i), a specified processor of diesel must notify the Minister of Economy, Trade and Industry of that fact without delay. When the notification is filed, the Minister of Economy, Trade and Industry is to change the relevant registration without delay.

(Rescission of Registration of Specified Processors of Diesel)

Article 12-14 (1) When a specified processor of deasel falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its registration:

(i) when the equipment used for specified processing ceases to conform to the standards specified by the Order of the Ministry of Economy, Trade and Industry set forth in Article 12-12, paragraph (1);

(ii) when the specified processor of diesel falls under the provisions of Article 12-12, paragraph (1), item (i), (iii), or (iv);

(iii) when the specified processor of diesel fails to have a change registered as set forth in paragraph (1) of the preceding Article;

(iv) when the specified processor of diesel has violated an order under the provisions of the following paragraph; or

(v) when the specified processor of diesel has become registered under Article 12-9 or has a change registered under paragraph (1) of the preceding Article by wrongful means.

(2) When a specified processor of diesel falls under either of the following items, the Minister of Economy, Trade and Industry may order the suspension of its business in full or in part by specifying a period not exceeding six months:

(i) when the specified processor of diesel fails to have a change registered under paragraph (1) of the preceding Article or has failed to file a notification under paragraph (3) of that Article; or

(ii) when the specified processor of deasel violates the provisions of Article 17-4-2, paragraph (1) as applied mutatis mutandis in Article 17-8, paragraph (4).

(3) When making a disposition under the provisions of the preceding two paragraphs, the Minister of Economy, Trade and Industry must give notice to that effect with the grounds therefor to the person to whom the disposition is made without delay.

(Mutatis Mutandis Application)

Article 12-15 The provisions of Article 7, Article 9, Article 10, and Article 12 apply mutatis mutandis to specified processors of deasel. In this case, the term " paragraph (1), items (i) through (iv) of the preceding Article" in Article 7, paragraph (1) is deemed to be replaced with "the items of Article 12-12, paragraph (1)," and the term "Article 3" in Article 10 is deemed to be replaced with "Article 12-9."

### **Chapter III Maintenance of Quality**

#### **Section 1 Maintenance of Quality of Gasoline**

(Prohibition against the Sale of Gasoline not Conforming to the Standards)

Article 13 A gasoline distributor must not distribute to consumers anything that does not conform to stipulations specified by Order of the Ministry of Economy, Trade and Industry as standards for gasoline (hereinafter referred to as the "gasoline standards") as gasoline to be used as a fuel for automobiles (including any petroleum products that can be used for the same uses as gasoline as specified by Order of the Ministry of Economy, Trade and Industry).

(Quality Managers)

Article 14 (1) A gasoline distributor must appoint a quality manager from among persons with qualifications specified by Order of the Ministry of Economy, Trade and Industry for each gasoline-filling station, and have that person perform the duties as a quality manager prescribed in paragraph (1) of the following Article.

(2) When appointing a quality manager pursuant to the provisions of the preceding paragraph, a gasoline distributor must notify the Minister of Economy, Trade and Industry of that fact without delay. The same applies when a gasoline distributor dismisses a quality manager.

Article 15 (1) A quality manager is to conduct analyses of gasoline under the provisions of the following Article and otherwise perform duties specified by Order of the Ministry of Economy, Trade and Industry in connection with the maintenance of the quality of gasoline.

(2) A quality manager must perform duties in good faith.

(3) A person engaging in gasoline distribution business must follow instructions given by a quality manager for the purpose of ensuring the execution of this Act or orders based thereon in connection with its duties.

(Analyses of Gasoline)

Article 16 As provided for by Order of the Ministry of Economy, Trade and Industry, a gasoline distributor must have a quality manager conduct analyses

of gasoline using analytical equipment that conforms to technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(Entrustment of Analyses of Gasoline)

- Article 16-2 (1) A gasoline distributor may entrust analyses of gasoline set forth in the preceding Article to a person registered with the Minister of Economy, Trade and Industry for each gasoline-filling station.
- (2) When entrusting analyses of gasoline to a person registered with the Minister of Economy, Trade and Industry pursuant to the provisions of the preceding paragraph, a gasoline distributor must notify the Minister of Economy, Trade and Industry of that fact without delay. The same applies when an agreement pertaining to the entrustment ceases to be effective.
- (3) When a gasoline distributor entrusts analyses of gasoline to a person registered with the Minister of Economy, Trade and Industry pursuant to the provisions of paragraph (1), the provisions of the preceding Article do not apply to gasoline subject to that entrustment.

(Indications)

Article 17 A gasoline distributor must indicate the name, registration number, name of the quality manager, and other matters specified by Order of the Ministry of Economy, Trade and Industry at a clearly visible location within each gasoline-filling station, as provided for by Order of the Ministry of Economy, Trade and Industry.

(Instructions to Gasoline Distributors)

- Article 17-2 (1) If a gasoline distributor has violated the provisions of Article 13 and when it is found that there is a risk that the interests of gasoline consumers may be harmed, the Minister of Economy, Trade and Industry may give instructions to the gasoline distributor to take necessary measures in connection with the maintenance of the quality of gasoline distributed thereby.
- (2) When the Minister of Economy, Trade and Industry gives instructions under the provisions of the preceding paragraph but the person that has received the instructions fails to follow them, the Minister of Economy, Trade and Industry may publicize this fact.

(Obligations of Gasoline Distributors)

Article 17-3 (1) A person engaging in the business of producing gasoline by refining crude oil or petroleum products (hereinafter referred to as a "gasoline producer") that intends to distribute or consume gasoline produced by refining crude oil or oil products as a fuel for automobiles must verify that the gasoline conforms to the gasoline standards, as provided for by Order of the Ministry of

Economy, Trade and Industry; provided, however, that this does not apply to gasoline subject to the verification pursuant to the provisions of Article 17-4-2, paragraph (1) if the gasoline producer falls under the category of a specified processor of gasoline.

- (2) A gasoline producer may entrust analyses required for the verification under the preceding paragraph to a person registered with the Minister of Economy, Trade and Industry.

(Obligations of Gasoline Importers)

Article 17-4 (1) A person engaging in the business of importing gasoline (hereinafter referred to as a "gasoline importer") that intends to distribute or consume imported gasoline as a fuel for automobiles must verify that the relevant gasoline conforms to the gasoline standards, as provided for by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply to gasoline subject to the verification pursuant to the provisions of paragraph (1) of the preceding Article or paragraph (1) of the following Article if the gasoline importer is a gasoline producer or a specified processor of gasoline.

- (2) A person engaging in the business of importing any petroleum products other than gasoline that intends to produce gasoline by processing imported petroleum products (limited to petroleum products other than gasoline) and distribute or consume that gasoline thus produced as a fuel for automobiles must verify that the relevant gasoline conforms with the gasoline standards, as provided for by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply to gasoline subject to the verification pursuant to the provisions of paragraph (1) of the preceding Article or paragraph (1) of the following Article if the person engaging in the business of importing any petroleum products other than gasoline is a gasoline producer or a specified processor of gasoline.
- (3) A gasoline importer or a person that should perform verification under the provisions of the preceding paragraph may entrust analyses required for the verification under the preceding two paragraphs to a person registered with the Minister of Economy, Trade and Industry.
- (4) When importing gasoline to distribute or consume as a fuel for automobiles, a gasoline importer must notify the Minister of Economy, Trade and Industry of the quality and quantity of that gasoline and other matters specified by Order of the Ministry of Economy, Trade and Industry without delay, as provided for by Order of the Ministry of Economy, Trade and Industry.
- (5) The provisions of the preceding paragraph apply mutatis mutandis when a gasoline importer imports gasoline to distribute or consume as a substance other than a fuel for automobiles but subsequently intends to distribute or

consume the relevant gasoline as a fuel for automobiles. In this case, the term "without delay" in the relevant paragraph is deemed to be replaced with "in advance."

- (6) When a person that files a notification under the provisions of the preceding two paragraphs intends to change any matters thus notified, the person must notify the Minister of Economy, Trade and Industry of that intention by the time to distribute or consume that gasoline, as provided for by Order of the Ministry of Economy, Trade and Industry.

(Obligations of Specified Processors of Gasoline)

Article 17-4-2 (1) A specified processor of gasoline that intends to distribute or consume gasoline produced through specified processing as a fuel for automobiles must verify that the relevant gasoline conforms to the gasoline standards, as provided for by Order of the Ministry of Economy, Trade and Industry.

- (2) A specified processor of gasoline may entrust analyses required for the verification under the preceding paragraph to a person registered with the Minister of Economy, Trade and Industry.

(Instructions to Gasoline Producers, Gasoline Importers, and Specified Processors of Gasoline)

Article 17-5 (1) If a person that should perform verification pursuant to the provisions of Article 17-3, paragraph (1), Article 17-4, paragraph (1) or (2), or paragraph (1) of the preceding Article has violated any of these provisions, and it is found that there is risk that the interests of gasoline consumers may be harmed, the Minister of Economy, Trade and Industry may give instructions to that person to take necessary measures in connection with the maintenance of the quality of gasoline distributed thereby.

- (2) When the Minister of Economy, Trade and Industry has given instructions under the provisions of the preceding paragraph but a person that has received the instructions fails to follow them, the Minister of Economy, Trade and Industry may publicize that fact.

(Indication for Standard-quality Gasoline)

Article 17-6 (1) A gasoline distributor that distributes gasoline verified as conforming to stipulations specified by Order of the Ministry of Economy, Trade and Industry as standards applicable to standard-quality gasoline to be used as a fuel for automobiles (hereinafter referred to as the "standards applicable to standard-quality gasoline") may affix an indication to prove that the relevant gasoline conforms to the standards applicable to standard-quality gasoline to facilities and equipment used for distributing that gasoline, as

provided for by Order of the Ministry of Economy, Trade and Industry.

- (2) No one is allowed to affix the indication under the preceding paragraph or any indication that is confusingly similar to it except for the cases prescribed in the relevant paragraph.
- (3) The Minister of Economy, Trade and Industry may instruct any person that has violated the provisions of the preceding paragraph to remove the relevant indication, enhance the indication method, or take other necessary measures.
- (4) When the Minister of Economy, Trade and Industry has given instructions under the provisions of the preceding paragraph but the person that has received the instructions fails to follow them, the Minister of Economy, Trade and Industry may publicize that fact.
- (5) If a person instructed under paragraph (3) fails to take measures pertaining to the instructions without reasonable grounds even after the fact of failing to follow the instructions has been publicized, and when it is found that the person that has received the instructions may continue the act in violation of paragraph (2), the Minister of Economy, Trade and Industry may order the relevant person to take the measures pertaining to the instructions.

## **Section 2 Maintenance of Quality of Deasel**

(Prohibition against the Sale of Deasel not Conforming to the Standards)

- Article 17-7 (1) A deasel distributor must not distribute anything that does not conform to stipulations specified by Order of the Ministry of Economy, Trade and Industry as standards for deasel (hereinafter referred to as the "deasel standards") as deasel to be used as a fuel for automobiles (including any petroleum products that can be used for the same uses as deasel as specified by Order of the Ministry of Economy, Trade and Industry) to consumers.
- (2) The provisions of Article 17-2 and the preceding Article apply mutatis mutandis to deasel distributors. In this case, the term "Article 13" in Article 17-2, paragraph (1) is deemed to be replaced with "Article 17-7, paragraph (1)," and the term "stipulations specified by Order of the Ministry of Economy, Trade and Industry as standards applicable to [...] gasoline [...]" (hereinafter referred to as the "standards applicable to standard-quality gasoline")" in paragraph (1) of the preceding Article is deemed to be replaced with "stipulations specified by Order of the Ministry of Economy, Trade and Industry as standards applicable to [...]deasel [...]" (hereinafter referred to as the "standards applicable to standard-quality deasel")."

(Obligations of Deasel Producers, Deasel Importers, and Specified Processors of Deasel)

- Article 17-8 (1) The provisions of Article 17-3 apply mutatis mutandis to persons

engaging in the business of producing deasel by refining crude oil or petroleum products (hereinafter referred to as "deasel producers"). In this case, the terms "gasoline standards" and "specified processor of gasoline" in paragraph (1) of the relevant Article are deemed to be replaced with "deasel standards" and "specified processor of deasel," respectively.

- (2) The provisions of Article 17-4, paragraph (1), and paragraphs (3) through (6) apply mutatis mutandis to persons engaging in the business of importing deasel (hereinafter referred to as "deasel importers"). In this case, the terms "gasoline standards," "gasoline producer," and "specified processor of gasoline" in paragraph (1) of the relevant Article are deemed to be replaced with "deasel standards," "deasel producer," and "specified processor of deasel," respectively.
- (3) The provisions of Article 17-4, paragraphs (2) and (3) apply mutatis mutandis to persons engaging in the business of importing any petroleum products other than deasel. In this case, the terms "other than gasoline," "gasoline standards," "gasoline producer," and "specified processor of gasoline" in paragraph (2) of the relevant Article are deemed to be replaced with "other than deasel," "deasel standards," "deasel producer," and "specified processor of deasel," respectively.
- (4) The provisions of Article 17-4-2 apply mutatis mutandis to specified processors of deasel. In this case, the term "gasoline standards" in paragraph (1) of the relevant Article is deemed to be replaced with "deasel standards."
- (5) The provisions of Article 17-5 apply mutatis mutandis to persons that should perform verification pursuant to the provisions of Article 17-3, paragraph (1) as applied mutatis mutandis in paragraph (1), the provisions of Article 17-4, paragraph (1) as applied mutatis mutandis in paragraph (2), the provisions of Article 17-4, paragraph (2) as applied mutatis mutandis in paragraph (3), or the provisions of Article 17-4-2, paragraph (1) as applied mutatis mutandis in the preceding paragraph.

### **Section 3 Maintenance of Quality of Kerosene**

(Prohibition against the Sale of Kerosene not Conforming to the Standards)

- Article 17-9 (1) A kerosene distributor must not distribute to consumers anything that does not conform to stipulations specified by Order of the Ministry of Economy, Trade and Industry as standards for kerosene (hereinafter referred to as the "kerosene standards") as kerosene to be used as an indoor combustion fuel (including any petroleum products that can be used for the same uses as kerosene as specified by Order of the Ministry of Economy, Trade and Industry).
- (2) The provisions of Article 17-2 and Article 17-6 apply mutatis mutandis to kerosene distributors. In this case, the term "Article 13" in Article 17-2, paragraph (1) is deemed to be replaced with "Article 17-9, paragraph (1)," and

the term "stipulations specified by Order of the Ministry of Economy, Trade and Industry as standards applicable to standard-quality gasoline to be used as a fuel for automobiles (hereinafter referred to as the "standards applicable to standard-quality gasoline")" in Article 17-6, paragraph (1) is deemed to be replaced with "stipulations specified by Order of the Ministry of Economy, Trade and Industry as standards applicable to standard-quality kerosene to be used as an indoor combustion fuel (hereinafter referred to as the "standards applicable to standard-quality kerosene")."

(Obligations of Kerosene Producers and Kerosene Importers)

- Article 17-10 (1) The provisions of Article 17-3 (excluding the proviso to paragraph (1)) apply mutatis mutandis to persons engaging in the business of producing kerosene by refining crude oil or petroleum products (hereinafter referred to as "kerosene producers"). In this case, the terms "a fuel for automobiles" and "gasoline standards" in paragraph (1) of the relevant Article are deemed to be replaced with "an indoor combustion fuel" and "kerosene standards," respectively.
- (2) The provisions of Article 17-4, paragraph (1), and paragraphs (3) through (6) apply mutatis mutandis to persons engaging in the business of importing kerosene (hereinafter referred to as "kerosene importers"). In this case, the terms "a fuel for automobiles," "gasoline standards," "a gasoline producer or a specified processor of gasoline," and "paragraph (1) of the preceding Article or paragraph (1) of the following Article" in paragraph (1) of the relevant Article are deemed to be replaced with "an indoor combustion fuel," "kerosene standards," "a kerosene producer," and "paragraph (1) of the preceding Article as applied mutatis mutandis in Article 17-10, paragraph (1)," respectively, and the term "a fuel for automobiles" in paragraphs (4) and (5) of that Article is deemed to be replaced with "an indoor combustion fuel."
- (3) The provisions of Article 17-4, paragraphs (2) and (3) apply mutatis mutandis to persons engaging in the business of importing any petroleum products other than kerosene. In this case, the terms "other than gasoline," "a fuel for automobiles," "gasoline standards," "a gasoline producer or a specified processor of gasoline," and "paragraph (1) of the preceding Article or paragraph (1) of the following Article" in paragraph (2) of the relevant Article are deemed to be replaced with "other than kerosene," "an indoor combustion fuel," "kerosene standards," "a kerosene producer," and "paragraph (1) of the preceding Article as applied mutatis mutandis in Article 17-10, paragraph (1)," respectively.
- (4) The provisions of Article 17-5 apply mutatis mutandis to persons that should perform verification pursuant to the provisions of Article 17-3, paragraph (1) as applied mutatis mutandis in paragraph (1), the provisions of Article 17-4,

paragraph (1) as applied mutatis mutandis in paragraph (2), or the provisions of Article 17-4, paragraph (2) as applied mutatis mutandis in the preceding paragraph.

#### **Section 4 Maintenance of Quality of Heavy Oil**

(Prohibition against the Sale of Heavy Oil not Conforming to the Standards)

Article 17-11 (1) A heavy oil distributor must not distribute anything that does not conform to stipulations specified by Order of the Ministry of Economy, Trade and Industry as standards for heavy oil (hereinafter referred to as the "heavy oil standards") as heavy oil to be used as a fuel for vessels and other maritime facilities (which means vessels, seabed-drilling facilities, and other maritime facilities; the same applies hereinafter) (including any petroleum products that can be used for the same uses as heavy oil as specified by Order of the Ministry of Economy, Trade and Industry) to the users thereof.

(2) When distributing heavy oil as a fuel for vessels and other maritime facilities specified by Order of the Ministry of Economy, Trade and Industry, a heavy oil distributor must deliver a document which states the concentration of sulfur in the relevant heavy oil and other matters specified by Order of the Ministry of Economy, Trade and Industry, and submit a sample of the relevant heavy oil to the users thereof, as provided for by Order of the Ministry of Economy, Trade and Industry. In this case, the heavy oil distributor must retain a copy of the document (including any electronic or magnetic records (which means records that are produced in an electronic form, a magnetic form, or any other form not recognizable to human perception and that are used in information processing by computers; hereinafter the same applies in this paragraph and Article 17-19) produced in place of the written document; the same applies in Article 27, item (vi)), as provided for by Order of the Ministry of Economy, Trade and Industry.

(3) A heavy oil distributor may provide the matters to be stated in the document set forth in the preceding paragraph by way of a method using an electronic information processing system or other method using information and communications technology specified by Order of the Ministry of Economy, Trade and Industry, in connection with the delivery of that document, by obtaining the consent of the relevant user of heavy oil, as provided for by Cabinet Order. In this case, the heavy oil distributor is deemed to have delivered that document.

(4) The provisions of Article 17-2 apply mutatis mutandis to heavy oil distributors. In this case, the terms "Article 13" and "consumers" in paragraph (1) of the relevant Article are deemed to be replaced with "Article 17-11, paragraph (1)" and "users," respectively.

(Obligations of Heavy Oil Producers and Heavy Oil Importers)

- Article 17-12 (1) The provisions of Article 17-3 (excluding the proviso to paragraph (1)) apply mutatis mutandis to persons engaging in the business of producing heavy oil by refining crude oil or oil products (hereinafter referred to as "heavy oil producers"). In this case, the terms "automobiles," "consume," and "gasoline standards" in paragraph (1) of the relevant Article are deemed to be replaced with "vessels and other maritime facilities," "use," and "heavy oil standards," respectively.
- (2) The provisions of Article 17-4, paragraph (1), and paragraphs (3) through (6) apply mutatis mutandis to persons engaging in the business of importing heavy oil (hereinafter referred to as "heavy oil importers"). In this case, the terms "automobiles," "consume," "gasoline standards," "a gasoline producer or a specified processor of gasoline," and "paragraph (1) of the preceding Article or paragraph (1) of the following Article" in paragraph (1) of the relevant Article are deemed to be replaced with "vessels and other maritime facilities," "use," "heavy oil standards," "a heavy oil producer," and "paragraph (1) of the preceding Article as applied mutatis mutandis in Article 17-12, paragraph (1)," respectively, the terms "automobiles" and "consume" in paragraph (4) of that Article are deemed to be replaced with "vessels and other maritime facilities" and "use," respectively, the terms "automobiles" and "consume" in paragraph (5) of the Article are deemed to be replaced with "vessels and other maritime facilities" and "use," respectively, and the term "consume" in paragraph (6) of the Article is deemed to be replaced with "use."
- (3) The provisions of Article 17-4, paragraph (2) and paragraph (3) apply mutatis mutandis to persons engaging in the business of importing any petroleum products other than heavy oil. In this case, the terms "other than gasoline," "automobiles," "consume," "gasoline standards," "a gasoline producer or a specified processor of gasoline," and "paragraph (1) of the preceding Article or paragraph (1) of the following Article" in paragraph (2) of the relevant Article are deemed to be replaced with "other than heavy oil," "vessels and other maritime facilities," "use," "heavy oil standards," "a heavy oil producer," and "paragraph (1) of the preceding Article as applied mutatis mutandis in Article 17-12, paragraph (1)," respectively.
- (4) The provisions of Article 17-5 apply mutatis mutandis to persons that should perform verification pursuant to the provisions of Article 17-3, paragraph (1) as applied mutatis mutandis in paragraph (1), the provisions of Article 17-4, paragraph (1) as applied mutatis mutandis in paragraph (2), or the provisions of Article 17-4, paragraph (2) as applied mutatis mutandis in the preceding paragraph. In this case, the term "consumers" in Article 17-5, paragraph (1) is deemed to be replaced with "users."

- (5) A heavy oil producer, heavy oil importer, or person engaging in the business of importing petroleum products other than heavy oil (hereinafter referred to as a "heavy oil producer, etc.") must deliver a document to a heavy oil distributor which states the concentration of sulfur in the relevant heavy oil and other matters specified by Order of the Ministry of Economy, Trade and Industry upon a request therefrom (limited to cases where the heavy oil distributed by the heavy oil producer, etc. is to be distributed as a fuel for vessels and other maritime facilities specified by the Order of the Ministry of Economy, Trade and Industry set forth in paragraph (2) of the preceding Article), as provided for by Order of the Ministry of Economy, Trade and Industry.
- (6) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the delivery of a written document under the preceding paragraph. In this case, the term "the relevant user of heavy oil" in paragraph (3) of the relevant Article is deemed to be replaced with "the relevant heavy oil distributor."

### **Chapter III-2 Registered Analytical Laboratories**

(Application for Registration of Registered Analytical Laboratories)

Article 17-13 (1) A registration set forth in Article 16-2, paragraph (1), Article 17-3, paragraph (2) (including cases applied mutatis mutandis in Article 17-8, paragraph (1), Article 17-10, paragraph (1), or paragraph (1) of the preceding Article; the same applies in Article 17-17, paragraph (1)), Article 17-4, paragraph (3) (including cases applied mutatis mutandis in Article 17-8, paragraph (2) or paragraph (3), Article 17-10, paragraph (2) or paragraph (3), or paragraph (2) or paragraph (3) of the preceding Article; the same applies in Article 17-17, paragraph (1)), or Article 17-4-2, paragraph (2) (including cases applied mutatis mutandis in Article 17-8, paragraph (4); the same applies in Article 17-17, paragraph (1)) (hereinafter referred to as "registration of an analytical laboratory" in this Chapter) is to be made through an application filed by a person intending to perform duties for analyses of gasoline as entrusted by a gasoline distributor, or duties for analyses of gasoline, deasel, kerosene, or heavy oil as entrusted by a gasoline producer, deasel producer, kerosene producer, heavy oil producer, gasoline importer, deasel importer, kerosene importer, heavy oil importer, person that should perform verification pursuant to the provisions of Article 17-4, paragraph (2) (including cases applied mutatis mutandis in Article 17-8, paragraph (3), Article 17-10, paragraph (3), or paragraph (3) of the preceding Article), specified processor of gasoline, or specified processor of deasel (hereinafter referred to as "analytical duties").

(2) The application set forth in the preceding paragraph must be filed for each place of business where analytical duties are performed in accordance with the category of the analyses set forth in the left-hand column of the Appended Table.

(Disqualification)

Article 17-14 A person falling under any of the following items cannot obtain registration of analytical laboratory:

- (i) a person sentenced for having violated this Act or a disposition based on this Act, for whom two years have not yet elapsed since the day on which the person finished serving the sentence or ceased to be subject to its enforcement;
- (ii) a person whose registration of an analytical laboratory was rescinded pursuant to the provisions of Article 17-23, for whom two years have not yet elapsed since the date of the rescission; or
- (iii) a corporation of which an officer executing its operations falls under any of the preceding two items.

(Criteria for Registration)

Article 17-15 (1) When a person that has filed an application for registration of an analytical laboratory pursuant to the provisions of Article 17-13 (hereinafter referred to as an "applicant for an analytical laboratory registration" in this paragraph) satisfies all of the following requirements, the Minister of Economy, Trade and Economy must register the relevant application for an analytical laboratory. In this case, the necessary procedures required in connection with the registration of an analytical laboratory are to be specified by Order of the Ministry of Economy, Trade and Economy:

- (i) Analytical duties are performed by the use of machines and instruments set forth in the right-hand column of the Appended Table in accordance with the category of the analyses set forth in the left-hand column of that table;
- (ii) a person that has received the issuance of a Class A hazardous materials engineer's license or Class B hazardous materials engineer's license set forth in Article 13-2, paragraph (1) of the Fire Services Act (Act No. 186 of 1948) performs analytical duties; and
- (iii) the applicant for an analytical laboratory registration does not correspond to any of the following as a person subject to the control of a gasoline distributor, gasoline producer, deasel producer, kerosene producer, heavy oil producer, gasoline importer, deasel importer, kerosene importer, heavy oil importer, a person that should perform verification pursuant to the provisions of Article 17-4, paragraph (2) (including cases applied mutatis mutandis in Article 17-8, paragraph (3), Article 17-10, paragraph (3), or

Article 17-12, paragraph (3)), a specified processor of gasoline, or a specific processor of deasel (hereinafter collectively referred to as "gasoline distributor, etc." in this item):

- (a) the applicant for an analytical laboratory registration is a stock company and the gasoline distributor, etc. is its parent corporation (which means the parent corporation prescribed in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005));
  - (b) the officers or employees of the gasoline distributor, etc. (including persons that were officers or employees of the gasoline distributor, etc. at any time in the past two years) account for more than one-half of the officers of the applicant for analytical laboratory registration (or if the applicant is a membership company (which means the membership company prescribed in Article 575, paragraph (1) of the Companies Act), employees executing its operations);
  - (c) the applicant for an analytical laboratory registration (or if the applicant is a corporation, an officer thereof vested with the right of representation) is an officer or employee of a gasoline distributor, etc. (including any person that was an officer or employee of a gasoline distributor, etc. at any time in the past two years).
- (2) The registration of an analytical laboratory is to be made by recording the following matters in the register of analytical laboratories:
- (i) date of registration and registration number;
  - (ii) the name, address of the registered person, and in the case of a corporation, the name of its representative;
  - (iii) category of the analyses; and
  - (iv) the place of business where analytical duties are performed.

#### (Registration Renewal)

Article 17-16 (1) The registration of an analytical laboratory ceases to be effective upon the passage of a term of not less than three years in length specified by Cabinet Order unless it is renewed prior to the expiration of that term.

- (2) The provisions of the preceding three Articles apply mutatis mutandis to the renewal of the registration of an analytical laboratory.

#### (Obligations to Conduct Analyses)

Article 17-17 (1) When a person that has obtained registration of an analytical laboratory (hereinafter referred to as a "registered analytical laboratory") is requested to conduct entrusted analyses of gasoline under Article 16-2, paragraph (1), or entrusted analyses of gasoline, deasel, kerosene, or heavy oil under Article 17-3, paragraph (2), Article 17-4, paragraph (3), or Article 17-4-2,

paragraph (2), the person must perform analytical duties without delay unless there are reasonable grounds.

- (2) A registered analytical laboratory must perform analytical duties fairly and according to a method that conforms to technical standards specified by Order of the Ministry of Economy, Trade and Industry.
- (3) When a registered analytical laboratory fails to perform analytical duties or employs an inappropriate method in the cases prescribed in the preceding two paragraphs, the Minister of Economy, Trade and Industry may order the registered analytical laboratory to perform those analytical duties or improve the employed analytical method.

#### (Operational Rules)

- Article 17-18 (1) A registered analytical laboratory must formulate rules concerning analytical duties (hereinafter referred to as the "operational rules") and file a notification to the Minister of Economy, Trade and Industry before commencing analytical duties. The same applies when a registered analytical laboratory intends to make changes thereto.
- (2) The method employed for performing analytical duties, fees concerning analytical duties, and other matters specified by Order of the Ministry of Economy, Trade and Industry must be specified in the operational rules.

#### (Keeping and Inspection of Financial Statements)

- Article 17-19 (1) A registered analytical laboratory must prepare within three months after the end of each fiscal year an inventory of property, balance sheet, profit and loss statement or income and expenditure statement, and business reports for the corresponding fiscal year (including any electronic or magnetic records, if these documents are produced in the form of electronic or magnetic records or electronic or magnetic records are produced in place of the written documents; referred to as "financial statements, etc." in the following paragraph and Article 29, item (iii)) and keep these documents at its place of business for a period of five years.
- (2) A gasoline distributor or any other interested party may make any of the following requests at any time within the operating hours of a registered analytical laboratory; provided, however, that a fee as determined by the registered analytical laboratory must be paid to make a request set forth in item (ii) or (iv):
    - (i) when financial statements, etc. are prepared in writing, a request to inspect or copy the relevant written documents;
    - (ii) a request to receive a transcript or extract of the written documents set forth in the preceding item;
    - (iii) when financial statements, etc. are produced in the form of electronic or

magnetic records, a request to inspect or copy the matters recorded in the electronic or magnetic records as shown by way of a method specified by Order of the Ministry of Economy, Trade and Industry; and

(iv) a request to receive the provision of matters recorded in the electronic or magnetic records set forth in the preceding item by way of an electronic or magnetic method specified by Order of the Ministry of Economy, Trade and Industry, or a request to receive the delivery of a written document in which these matters are stated.

(Compliance Order)

Article 17-20 When it is found that a registered analytical laboratory no longer complies with any of the items of Article 17-15, paragraph (1), the Minister of Economy, Trade and Industry may order the registered analytical laboratory to take measures required to ensure the compliance with these provisions.

(Suspension or Discontinuation of Analytical Duties)

Article 17-21 A registered analytical laboratory that intends to suspend or discontinue its analytical duties in full or in part must notify the Minister of Economy, Trade and Industry of this intention in advance, as provided for by Order of the Ministry of Economy, Trade and Industry.

(Nullification of Registration)

Article 17-22 When a registered analytical laboratory discontinues its analytical duties, the registration of that analytical laboratory ceases to be effective.

(Rescission of Registration)

Article 17-23 When a registered analytical laboratory falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the registration thereof or order the suspension of the analytical duties in full or in part by specifying a period of time:

- (i) when the registered analytical laboratory falls under Article 17-14, item (i) or (iii);
- (ii) when the registered analytical laboratory violates the provisions of Article 17-18, paragraph (1), Article 17-19, paragraph (1), Article 17-21, or Article 19, paragraph (5); or
- (iii) when the registered analytical laboratory violates an order issued under the provisions of Article 17-17, paragraph (3), or Article 17-20;
- (iv) when the registered analytical laboratory obtains the registration of an analytical laboratory by wrongful means.

(Public Notice)

Article 17-24 In the following cases, the Minister of Economy, Trade and Industry must give a public notice of the relevant fact in an official gazette:

- (i) when having made a registration of an analytical laboratory;
- (ii) when having received a notification under Article 17-21; or
- (iii) when having rescinded a registration of an analytical laboratory or having ordered the suspension of analytical duties pursuant to the provisions of the preceding Article.

#### **Chapter IV Miscellaneous Provisions**

(Measures for Reducing the Use of Gasoline)

Article 18 (1) When it is found necessary for reducing the use of gasoline, the Minister of Economy, Trade and Industry may prescribe and publicize matters concerning the execution of restrictions on business days or shortening of business hours of gasoline distributors in accordance with oil-related circumstances inside and outside Japan.

(2) If a gasoline distributor fails to carry out the matters publicized pursuant to the provisions of the preceding paragraph and when it is found necessary, the Minister of Economy, Trade and Industry may recommend that the relevant gasoline distributor perform those matters.

(3) If a gasoline distributor that has received a recommendation under the provisions of the preceding paragraph fails to follow the recommendation without reasonable grounds, and it is found that leaving the situation unaddressed will make it extremely difficult to achieve a reduction of the use of gasoline and it is especially necessary for resolving the situation in light of the oil-related circumstances inside and outside Japan, the Minister of Economy, Trade and Industry may hear the opinion of the Advisory Committee for Natural Resources and Energy and instruct the relevant gasoline distributor to take measures as recommended.

(Bookkeeping)

Article 19 (1) A gasoline distributor must keep and retain books as provided for by Order of the Ministry of Economy, Trade and Industry concerning its operation that state the matters related to analyses of gasoline and other matters specified by Order of the Ministry of Economy, Trade and Industry.

(2) A gasoline producer, deasel producer, kerosene producer, heavy oil producer, person that should perform verifications pursuant to the provisions of Article 17-4, paragraph (2) (including cases applied mutatis mutandis in Article 17-8, paragraph (3), Article 17-10, paragraph (3), or Article 17-12, paragraph (3)), specified processor of gasoline, and specific processor of deasel must keep and retain books as provided for by Order of the Ministry of Economy, Trade and

Industry concerning their operation that state matters related to verification of the quality of gasoline, deasel, kerosene, or heavy oil and other matters specified by Order of the Ministry of Economy, Trade and Industry.

- (3) A gasoline importer, deasel importer, kerosene importer, and heavy oil importer must keep and retain books as provided for by Order of the Ministry of Economy, Trade and Industry concerning their operation that state the matters related to the verification of the quality of gasoline, deasel, kerosene, or heavy oil and other matters specified by Order of the Ministry of Economy, Trade and Industry.
- (4) A gasoline distributor, deasel distributor, and kerosene distributor that affix an indication pursuant to the provisions of Article 17-6, paragraph (1) (including cases applied mutatis mutandis in Article 17-7, paragraph (2), or Article 17-9, paragraph (2)) must keep and retain books concerning their operation that state the matters related to the verification of the quality of gasoline, deasel, or kerosene distributed thereby and other matters specified by Order of the Ministry of Economy, Trade and Industry.
- (5) A registered analytical laboratory must keep and retain books as provided for by Order of the Ministry of Economy, Trade and Industry concerning its operation that state matters related to the analyses of gasoline, deasel, kerosene, or heavy oil and other matters specified by Order of the Ministry of Economy, Trade and Industry.

(Collection of Reports and On-the-Spot Inspection)

- Article 20 (1) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have a gasoline distributor, deasel distributor, kerosene distributor, heavy oil distributor, gasoline producer, deasel producer, kerosene producer, heavy oil producer, gasoline importer, deasel importer, kerosene importer, heavy oil importer, person that should perform verification pursuant to the provisions of Article 17-4, paragraph (2) (including cases applied mutatis mutandis in Article 17-8, paragraph (3), Article 17-10, paragraph (3), or Article 17-12, paragraph (3); hereinafter the same applies in this Article), specified processor of gasoline, specified processor of deasel, or registered analytical laboratory make a report on their operation.
- (2) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have its officials enter the business offices, gasoline-filling stations, or other places of business of a gasoline distributor, deasel distributor, kerosene distributor, heavy oil distributor, gasoline producer, deasel producer, kerosene producer, heavy oil producer, gasoline importer, deasel importer, kerosene importer, heavy oil importer, person that should perform verification pursuant to the provisions of Article 17-4, paragraph (2), specified processor of gasoline, or specified processor of deasel to

inspect books, documents, and other materials or remove necessary samples of gasoline, deasel, kerosene, heavy oil, or other substances of a quantity minimally required for testing purposes.

- (3) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have its officials enter the business offices or places of business of a registered analytical laboratory to inspect books, documents, and other materials.
- (4) Officials conducting an on-site inspection pursuant to the provisions of the preceding two paragraphs must carry an identification card and present it to concerned persons.
- (5) The authority to conduct an on-site inspection under the provisions of paragraph (2) or (3) must not be interpreted as having been vested for the purpose of a criminal investigation.

#### (Special Provisions for Hearings)

- Article 21 (1) When intending to make a disposition under the provisions of Article 11, paragraph (2), Article 12-7, paragraph (2), or Article 12-14, paragraph (2), the Minister of Economy, Trade and Industry must hold a hearing irrespective of the classification of procedures for giving statement of opinions under Article 13, paragraph (1) of the Administrative Procedures Act (Act No. 88 of 1993).
- (2) Proceedings on the date of a hearing pertaining to a disposition under Article 11, paragraph (1) or (2), Article 12-7, paragraph (1) or (2), Article 12-14, paragraph (1) or (2), or Article 17-23 must be open to the public.
  - (3) When any request has been made by a concerned party for the relevant disposition to participate in procedures concerning a hearing set forth in the preceding paragraph, pursuant to the provisions of Article 17, paragraph (1) of the Administrative Procedures Act, the person presiding over the hearing must permit the participation.

#### (Hearing of Opinions in Procedures for Appeals)

- Article 22 (1) A decision or determination made in response to a request for administrative review or an appeal concerning a disposition under this Act (excluding a decision or determination of dismissal) must be made after giving an advance notice with a reasonable period of time to the person to which the disposition pertains and after hearing opinions in a public setting.
- (2) The advance notice set forth in the preceding paragraph must include a date, place, and case details.
  - (3) Upon the hearing of opinions set forth in paragraph (1), evidence on the case must be presented to the person to which the disposition pertains and concerned parties and an opportunity to state their opinions must be given

thereto.

(Transitional Measures)

Article 22-2 When an order is established or is amended or abolished based on the provisions of this Act, required transitional measures (including transitional measures concerning penal provisions) may be specified by that order within the scope judged reasonably necessary accompanying the establishment or the amendment or abolition thereof.

(Delegation of Authority)

Article 23 The matters falling under the authority of the Minister of Economy, Trade and Industry pursuant to the provisions of this Act may be undertaken by the Director-General of a Bureau of Economy, Trade and Industry, as provided for by Cabinet Order.

## **Chapter V Penal Provisions**

Article 24 A person falling under any of the following items is to be punished by imprisonment for up to one year or a fine of up to 1,000,000 yen:

- (i) a person that engages in gasoline distribution business in violation of the provisions of Article 3;
- (ii) a person that has violated an order issued under the provisions of Article 11, paragraph (2), Article 12-7, paragraph (2), or Article 12-14, paragraph (2);
- (iii) a person that engages in specified processing business of gasoline in violation of the provisions of Article 12-2;
- (iv) a person that engages in specified processing business of deasel in violation of the provisions of Article 12-9; or
- (v) a person that has violated an order to suspend the analytical duties issued under the provisions of Article 17-23.

Article 25 A person falling under any of the following items is to be punished by imprisonment for up to six months or a fine of up to 500,000 yen:

- (i) a person that has distributed gasoline, deasel, kerosene, or heavy oil in violation of the provisions of Article 13, Article 17-7, paragraph (1), Article 17-9, paragraph (1), or Article 17-11, paragraph (1); or
- (ii) a person that has distributed, consumed, or used gasoline, deasel, kerosene, or heavy oil without performing verification in violation of Article 17-3, paragraph (1) (including cases applied mutatis mutandis in Article 17-8, paragraph (1), Article 17-10, paragraph (1), or Article 17-12, paragraph (1)), Article 17-4, paragraph (1) (including cases applied mutatis mutandis in

Article 17-8, paragraph (2), Article 17-10, paragraph (2), or Article 17-12, paragraph (2)), or Article 17-4, paragraph (2) (including cases applied mutatis mutandis in Article 17-8, paragraph (3), Article 17-10, paragraph (3), or Article 17-12, paragraph (3)), or Article 17-4-2, paragraph (1) (including cases applied mutatis mutandis in Article 17-8, paragraph (4)).

Article 26 A person that has violated an order issued under the provisions of Article 17-6, paragraph (5) (including cases applied mutatis mutandis in Article 17-7, paragraph (2), or Article 17-9, paragraph (2)) or Article 17-17, paragraph (3) is to be punished by a fine of up to 500,000 yen.

Article 27 A person falling under any of the following items is to be punished by a fine of up to 300,000 yen:

- (i) a person that has changed the locations of gasoline-filling stations set forth in Article 4, paragraph (1), item (ii) or the matters set forth in item (iii) of that paragraph in violation of the provisions of Article 8, paragraph (1);
- (ii) a person that has changed the matters set forth in Article 12-3, paragraph (1), items (ii) through (v) in violation of the provisions of Article 12-6, paragraph (1);
- (iii) a person that has changed the matters set forth in Article 12-10, paragraph (1), items (ii) through (v) in violation of the provisions of Article 12-13, paragraph (1);
- (iv) a person that has failed to file a notification under Article 17-4, paragraph (4) (including cases applied mutatis mutandis in paragraph (5) of the relevant Article (including cases applied mutatis mutandis in Article 17-8, paragraph (2), Article 17-10, paragraph (2), or Article 17-12, paragraph (2)), Article 17-8, paragraph (2), Article 17-10, paragraph (2), or Article 17-12, paragraph (2)), or Article 17-4, paragraph (6) (including cases applied mutatis mutandis in Article 17-8, paragraph (2), Article 17-10, paragraph (2), or Article 17-12, paragraph (2)), or has filed a false notification;
- (v) a person that has failed to deliver a document or submit a sample in violation of the provisions of the first sentence of Article 17-11, paragraph (2), or has delivered a document that does not contain the matters prescribed in the first sentence of the relevant paragraph or a document that contains a false statement;
- (vi) a person that has failed to retain a copy of the document in violation of the provisions of the second sentence of Article 17-11, paragraph (2);
- (vii) a person that has failed to deliver a document in violation of the provisions of Article 17-12, paragraph (5), or has delivered a document that does not contain the matters prescribed in the relevant paragraph or a document that contains a false statement;

- (viii) a person that has failed to enter the matters prescribed in Article 19 in books in violation of the provisions of paragraphs (1) through (5) of the relevant Article, has entered a false statement in books, or has failed to retain books;
- (ix) a person that has failed to make a report under Article 20, paragraph (1) or has made a false report; or
- (x) a person that has refused, obstructed or evaded an inspection or removal under Article 20, paragraph (2) or (3).

Article 28 When any representative of a corporation, or any agent, employee, or other worker of a corporation or an individual commits any violation set forth in Article 24 through the preceding Article in connection with the operation of that corporation or individual, the person that has committed the violation is to be punished, and the relevant corporation or individual is to also be punished by a fine set forth in the relevant Articles.

Article 29 A person falling under any of the following items is to be punished by a civil fine of up to 200,000 yen:

- (i) a person that has failed to file a notification under Article 7, paragraph (2) (including cases applied mutatis mutandis in Article 12-8 or Article 12-15), Article 8, paragraph (3), Article 9 (including cases applied mutatis mutandis in Article 12-8 or Article 12-15), Article 12-6, paragraph (3), Article 12-13, paragraph (3), Article 14, paragraph (2), Article 16-2, paragraph (2), or Article 17-21, or has filed a false notification;
- (ii) a person that has violated the provisions of Article 17; or
- (iii) a person that has failed to keep financial statements, etc. in violation of the provisions of Article 17-19, paragraph (1), has failed to enter the matters to be stated in financial statements, etc., or has entered a false statement, or has refused a request made under the provisions of the items of paragraph (2) of the relevant Article without reasonable grounds.

### **Supplementary Provisions [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 date of promulgation.

(Transitional Measures)

Article 2 (1) A person that engages in gasoline distribution business as of the effective date of this Act may engage in its business without becoming registered under Article 3 for 60 days from the effective date of this Act. The

same applies for the period until the decision is made as to whether to accept or refuse the application for registration filed by the person during the 60-day period as set forth in the relevant Article.

- (2) With regard to the application of the provisions of Article 6, paragraph (2) (including cases applied mutatis mutandis in Article 8, paragraph (2)) during the period prescribed in the preceding paragraph, the term "gasoline distributor" in Article 6, paragraph (2) is deemed to be replaced with "gasoline distributor (including a person that is allowed to engage in its business pursuant to the provisions of Article 2, paragraph (1) of the supplementary provisions)."

#### **Supplementary Provisions [Act No. 82 of June 12, 1981]**

- (1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.
- (2) Prior laws continue to govern to the application of penal provisions to acts committed prior to the enforcement of this Act.

#### **Supplementary Provisions [Act No. 78 of December 2, 1983]**

- (1) This Act (excluding Article 1) comes into effect as of July 1, 1984.
- (2) Transitional measures necessary for organizations, etc. already established under legal provisions as of the day preceding the effective date of this Act that are to be placed under the provisions of the National Administrative Organization Act or the provisions of Cabinet Order based on the provisions of related laws amended by this Act (hereinafter referred to as the "related Cabinet Order") after the effective date of this Act, and other transitional measures necessary for the establishment or the amendment or abolition of the Related Cabinet Order accompanying the enforcement of this Act may be specified by Cabinet Order.

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

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Administrative Procedure Act (Act No. 88 of 1993) comes into effect.

(Transitional Measures Concerning Adverse Dispositions Following Consultation)

Article 2 If prior to the enforcement of this Act, a consultation or other request has been made under laws and regulations to a council or any other panel to

demand that procedures corresponding to hearings, grant of opportunity for explanation and other procedures for giving a statement of opinions under Article 13 of the Administrative Procedure Act be undertaken, prior laws continue to govern the procedures for adverse dispositions that are the subject of the consultation or request notwithstanding the provisions of the related laws amended by this Act.

(Transitional Measures Concerning Penal Provisions)

Article 13 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act.

(Transitional Measures upon Arrangement of Provisions on Hearings)

Article 14 Hearings or hearing meetings held pursuant to legal provisions prior to the enforcement of this Act (excluding those pertaining to adverse dispositions) or procedures therefor are deemed to have been held or undertaken under the corresponding provisions of the related laws amended by this Act.

(Delegation to Cabinet Order)

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

### **Supplementary Provisions [Act No. 76 of April 21, 1995] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 1994; provided, however, that the provisions of Article 2 to amend Article 6, Article 10-3, and Article 16 of the Oil Stockpiling Act, and the provisions of Article 3, Article 4, and Article 8 of the supplementary provisions come into effect as of February 1, 1996.

(Transitional Measures upon Partial Amendment of the Gasoline Distribution Business Act)

Article 5 With regard to the designated districts set forth in Article 6, paragraph (2) of the Gasoline Distribution Business Act prior to the amendment under Article 3 (hereinafter referred to as the "Old Gasoline Distribution Business Act") that exist as of the effective date of this Act, the provisions of Article 5, Article 6, paragraphs (2) through (6), Articles 8 and 19 of the Old Gasoline Distribution Business Act remain effective even after the enforcement of this Act only for the period during which those districts are subject to the designation. In this case, if an application is refused pursuant to the provisions

of Article 6, paragraph (5) of the Old Gasoline Distribution Business Act (including cases applied mutatis mutandis in Article 8, paragraph (2) of the Old Gasoline Distribution Business Act), the refusal is deemed to be a disposition made based on the Act on the Quality Control of Gasoline and Other Fuels amended under Article 3 (hereinafter referred to as the "Quality Maintenance Act") with regard to the application of the provisions of Article 22 of the Quality Maintenance Act.

Article 6 With regard to a person that has filed an application for registration of changes under Article 8, paragraph (1) of the Old Gasoline Distribution Business Act for the scale of the refueling equipment out of the matters set forth in Article 4, paragraph (1), item (ii) of the Old Gasoline Distribution Business Act, as of the effective date of this Act, the person is deemed to have filed a notification under Article 8, paragraph (3) of the Quality Maintenance Act on the effective date of this Act; provided, however, that this does not apply when the application for registration of changes pertains to any designated district set forth in Article 6, paragraph (2) of the Old Gasoline Distribution Business Act that exists as of the effective date of this Act.

(Succession of Effects of Dispositions)

Article 7 Beyond what is prescribed in Article 3 to the preceding Article of the Supplementary Provisions, dispositions, procedures and other acts issued or conducted under the provisions of the Old Oil Stockpiling Act or Old Gasoline Distribution Business Act are deemed to have been issued or conducted under the corresponding provisions of the New Oil Stockpiling Act or the Quality Maintenance Act.

(Transitional Measures Concerning Penal Provisions)

Article 8 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act (or the provisions prescribed in the proviso to Article 1 of the supplementary provisions).

### **Supplementary Provisions [Act No. 33 of April 9, 1997] [Extract]**

(Effective Date)

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

(Transitional Measures upon Partial Amendment of the Act on the Quality Control of Gasoline and Other Fuels)

Article 11 The provisions of Article 7 of the Act on the Quality Control of Gasoline and Other Fuels amended under Article 10 do not apply to a person

that has received the transfer of business in full conducted prior to the enforcement of the provisions of Article 10.

(Transitional Measures Concerning Penal Provisions)

Article 17 Prior laws continue to govern the applicability of penal provisions to acts that a person engages in prior to the enforcement of this Act and acts that a person engages in after this Act comes into effect but which, pursuant to the supplementary provisions of this Act, are to continue to be governed by prior laws.

(Delegation to Cabinet Order)

Article 18 Beyond what is prescribed in Article 2 through the preceding Article of the supplementary provisions, transitional measures necessary for the enforcement of this Act are provided for by Cabinet Order.

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

(Effective Date)

Article 1 This Act comes into effect as of July 1, 2000.

(Transitional Measures upon Partial Amendment of the Act on the Quality Control of Gasoline and Other Fuels)

Article 36 A person that is designated, as of the effective date of the provisions of Article 7, under Article 16-2, paragraph (1) of the Act on the Quality Control of Gasoline and Other Fuels prior to the amendment under Article 7 (hereinafter referred to as the "Old Quality Maintenance Act" in this Article), Article 17-3, paragraph (2) of the Old Quality Maintenance Act (including cases applied mutatis mutandis in Article 17-8, paragraph (1) or Article 17-10, paragraph (1) of the Old Quality Maintenance Act), or Article 17-4, paragraph (3) of the Old Quality Maintenance Act (including cases applied mutatis mutandis in Article 17-8, paragraph (2) or paragraph (3), or Article 17-10, paragraph (2) or paragraph (3) of the Old Quality Maintenance Act) is deemed to have been designated on the effective date of the provisions of Article 7, under Article 16-2, paragraph (1) of the Act on the Quality Control of Gasoline and Other Fuels amended under Article 7 (hereinafter referred to as the "New Quality Maintenance Act" in this Article), Article 17-3, paragraph (2) of the New Quality Maintenance Act (including cases applied mutatis mutandis in Article 17-8, paragraph (1) or Article 17-10, paragraph (1) of the New Quality Maintenance Act), or Article 17-4, paragraph (3) of the New Quality Maintenance Act (including cases applied mutatis mutandis in Article 17-8, paragraph (2) or paragraph (3), or Article 17-10, paragraph (2) or paragraph (3)

of the New Quality Maintenance Act).

(Effects of Dispositions)

Article 68 Dispositions, procedures and other acts issued or conducted under the provisions of respective laws prior to the amendment (including orders based thereon; hereinafter the same applies in this Article), prior to the enforcement of this Act (or provisions set forth in the items of Article 1 of the supplementary provisions), for which the corresponding provisions of respective laws after the amendment are applicable, are deemed to have been issued or conducted under the corresponding provisions of respective laws after the amendment, except for those otherwise provided for by the supplementary provisions.

(Transitional Measures Concerning Application of Penal Provisions)

Article 69 The provisions previously in force continue to govern the application of penal provisions to conduct engaged in before this Act (or the provisions set forth in the items of Article 1 of the supplementary provisions) (with respect to the Consumer Product Safety Association, prior to the expiration of the provisions of the Old Consumer Product Safety Act that had been deemed to remain in force pursuant to the provisions of Article 10 of the supplementary provisions; with respect to the High Pressure Gas Safety Institute of Japan, prior to the expiration of the provisions of the Old High Pressure Gas Safety Act that had been deemed to remain in force pursuant to the provisions of Article 30 of the supplementary provisions) comes into effect to conduct engaged in after this Act comes into effect but which, pursuant to these supplementary provisions, is to continue to be governed by the provisions previously in force.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 70 Beyond what is prescribed in Articles 2 through 9, and Article 14 through the preceding Article of the supplementary provisions, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are provided for by Cabinet Order.

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

(Effective Date)

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

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

(Effective Date)

- (1) This Act comes into effect as of the effective date of the Act for Partial Amendment of the Commercial Code (Act No. 90 of 2000).

**Supplementary Provisions [Act No. 50 of May 28, 2003] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which three months have elapsed from the date of promulgation.

(Transitional Measures Concerning Registration of Gasoline Distribution Business)

Article 2 (1) A person that engages in the gasoline distribution business prescribed in Article 2, paragraph (4) of the Act on the Quality Control of Gasoline and Other Fuels amended by this Act (hereinafter referred to as the "new Act") as of the effective date of this Act (limited to a person that has engaged in, prior to the enforcement of this Act, the business falling under the gasoline distribution business prescribed in the relevant paragraph that does not fall under the gasoline distribution business prescribed in Article 2, paragraph (3) of the Act on the Quality Control of Gasoline and Other Fuels prior to the amendment by this Act) may engage in the gasoline distribution business prescribed in Article 2, paragraph (4) of the new Act without becoming registered under Article 3 of the new Act for 60 days from the effective date of this Act. The same applies for the period until the person receives a notice of registration or refusal of registration in response to the application for registration that the person has filed for its business during the 60-day period as set forth in Article 3 of the new Act.

- (2) With regard to the application of the provisions of Article 11, paragraph (2), Article 13, Article 14, Article 16, Article 16-2, Article 17-2, paragraph (1), Article 17-6, paragraph (1), Article 18, Article 19, paragraph (1) and (4), and Article 20, paragraph (1) and (2) during the period prescribed in the preceding paragraph, the term "gasoline distributor" in these provisions is deemed to be replaced with "gasoline distributor (including a person that is allowed to engage in its business pursuant to the provisions of Article 2, paragraph (1) of the supplementary provisions of the Act for Partial Amendment of the Act on the Quality Control of Gasoline and Other Fuels (Act No. 50 of 2003))."

(Transitional Measures Concerning Penal Provisions)

Article 3 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 4 Beyond what is prescribed in the preceding two Articles, transitional measures necessary for the enforcement of this Act are provided for by Cabinet Order.

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

(Effective Date)

Article 1 This Act comes into effect as of March 1, 2004; provided, however, that the provisions set forth in the following items come into effect as of the date specified respectively therein:

- (i) the provisions of Article 13 of the supplementary provisions: the date of promulgation; and
- (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.

(Transitional Measures upon Partial Amendment of the Act on the Quality Control of Gasoline and Other Fuels)

Article 8 (1) A person that intends to become registered under Article 16-2, paragraph (1) of the Act on the Quality Control of Gasoline and Other Fuels amended under Article 7 (hereinafter referred to as the "New Quality Maintenance Act"), Article 17-3, paragraph (2) of the New Quality Maintenance Act (including cases applied mutatis mutandis in Article 17-8, paragraph (1) or Article 17-10, paragraph (1) of the New Quality Maintenance Act), or Article 17-4, paragraph (3) of the New Quality Maintenance Act (including cases applied mutatis mutandis in Article 17-8, paragraph (2) or paragraph (3), or Article 17-10, paragraph (2) or paragraph (3) of the New Quality Maintenance Act) (that registration is referred to as "registration of a new analytical laboratory" in the following paragraph) may file an application therefor even prior to the enforcement of this Act. The same applies to a notification of operational rules under Article 17-16, paragraph (1) of the New Quality Maintenance Act.

(2) A person that is designated, as of the effective date of this Act, under Article 16-2, paragraph (1) of the Act on the Quality Control of Gasoline and Other Fuels prior to the amendment under Article 7 (hereinafter referred to as the "Old Quality Maintenance Act"), Article 17-3, paragraph (2) of the Old Quality Maintenance Act (including cases applied mutatis mutandis in Article 17-8, paragraph (1) or Article 17-10, paragraph (1) of the Old Quality Maintenance

Act), or Article 17-4, paragraph (3) of the Old Quality Maintenance Act (including cases applied mutatis mutandis in Article 17-8, paragraph (2) or (3), or Article 17-10, paragraph (2) or (3) of the Old Quality Maintenance Act) (hereinafter, the designation is referred to as "designation of a former analytical laboratory" in this paragraph) is deemed to have become registered as a new analytical laboratory. In this case, the validity period of the registration of a new analytical laboratory is the remaining validity period of the designation of a former analytical laboratory.

(Effects of Dispositions)

Article 11 Dispositions, procedures and other acts issued or conducted under the provisions of respective laws prior to the amendment (including orders based thereon; hereinafter the same applies in this Article), prior to the enforcement of this Act (or provisions set forth in the items of Article 1 of the supplementary provisions), for which the corresponding provisions of respective laws after the amendment are applicable, are deemed to have been issued or conducted under the corresponding provisions of respective laws after the amendment, except for those otherwise provided for by the supplementary provisions.

(Transitional Measures Concerning Application of Penal Provisions)

Article 12 Prior laws continue to govern the applicability of penal provisions to acts that a person engages in prior to the enforcement of this Act (or the provisions set forth in the items of Article 1 of the supplementary provisions; hereinafter the same applies in this Article) and acts that a person engages in after this Act comes into effect but which, pursuant to the supplementary provisions of this Act, are to continue to be governed by prior laws.

(Delegation to Cabinet Order)

Article 13 Beyond what is prescribed in Article 2 through the preceding Article of the supplementary provisions, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are provided for by Cabinet Order.

**Supplementary Provisions [Act No. 36 of April 21, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which the 1997 Protocol to Amend the 1973 International Convention for the Prevention of Pollution from Ships, as Modified by the 1978 Protocol (hereinafter referred to as the "Second Protocol") takes effect in Japan (hereinafter referred to as the "effective date");

provided, however, that the provisions set forth in the following items come into effect as of the date specified respectively therein:

(i) Omitted;

(ii) the provisions of the following Article through Article 6 of the supplementary provisions, and Article 12, Article 14, Article 16, and Article 19 of the supplementary provisions: the day prior to the effective date as specified by Cabinet Order;

(Transitional Measures upon Partial Amendment of the Act on the Quality Control of Gasoline and Other Fuels)

Article 15 The provisions of Article 17-12, paragraph (5) of the Act on the Quality Control of Gasoline and Other Fuels amended under Article 2 (hereinafter referred to as the "New Quality Maintenance Act") do not apply to heavy oil distributed by heavy oil distributors prior to the effective date.

(Preparatory Actions upon Partial Amendment of the Act on the Quality Control of Gasoline and Other Fuels)

Article 16 A person intending to become registered as prescribed in Article 17-3, paragraph (2) of the New Quality Maintenance Act as applied mutatis mutandis in Article 17-12, paragraph (1) of the New Quality Maintenance Act, or Article 17-4, paragraph (3) of the New Quality Maintenance Act as applied mutatis mutandis in Article 17-12, paragraph (2) or (3) of the New Quality Maintenance Act may file an application therefor even prior to the effective date. The same applies to a notification of operational rules under Article 17-18, paragraph (1) of the New Quality Maintenance Act.

(Transitional Measures Concerning the Effects of Dispositions and Procedures)

Article 17 Dispositions, procedures and other acts issued or conducted under the provisions of respective laws prior to the amendment by this Act (including orders based thereon), prior to the enforcement of respective revising provisions of this Act, for which the corresponding provisions of respective laws after the amendment by this Act (including orders based thereon) are applicable, are deemed to have been issued or conducted under these provisions.

(Transitional Measures Concerning Application of Penal Provisions)

Article 18 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 19 Beyond what is prescribed in Articles 2 through 13 of the supplementary provisions and Article 15 and the preceding two Articles of the

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

**Supplementary Provisions [Act No. 87 of July 26, 2005] [Extract]**

This Act comes into effect as of the effective date of the Companies Act.

**Supplementary Provisions [Act No. 48 of May 30, 2008] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however, that the provisions of the following Article come into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation, and the provisions of Article 5 of the supplementary provisions come into effect as of the date of promulgation.

(Preparatory Actions)

Article 2 (1) A person intending to become registered as prescribed in Article 12-2 or Article 12-9 of the Act on the Quality Control of Gasoline and Other Fuels amended by this Act (hereinafter referred to as the "new Act") may file an application therefor even prior to the enforcement of this Act.

(2) A person intending to become registered as prescribed in Article 17-4-2, paragraph (2) of the new Act (including cases applied mutatis mutandis in Article 17-8, paragraph (4) of the new Act) may file an application therefor even prior to the enforcement of this Act. The same applies to a notification of operational rules under Article 17-18, paragraph (1) of the new Act.

(Transitional Measures Concerning Registered Analytical Laboratories)

Article 3 (1) A person registered as prescribed in Article 17-3, paragraph (2) or Article 17-4, paragraph (3) of the Act on the Quality Control of Gasoline and Other Fuels prior to the amendment by this Act (hereinafter referred to as the "old Act"), as of the effective date of this Act, is deemed to have also been registered as prescribed in Article 17-4-2, paragraph (2) of the new Act only during the remaining validity period of the former registration.

(2) A person registered as prescribed in Article 17-3, paragraph (2) of the old Act as applied mutatis mutandis in Article 17-8, paragraph (1) of the old Act, or Article 17-4, paragraph (3) of the old Act as applied mutatis mutandis in Article 17-8, paragraph (2) or (3) of the old Act, as of the effective date of this Act, is deemed to have also been registered as prescribed in Article 17-4-2,

paragraph (2) of the new Act as applied mutatis mutandis in Article 17-8, paragraph (4) of the new Act only during the remaining validity period of the former registration.

(Transitional Measures Concerning Application of Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 5 Beyond what is prescribed in the preceding three Articles, transitional measures necessary for the enforcement of this Act are provided for by Cabinet Order.

(Review)

Article 6 Upon the elapse of five years after the enforcement of this Act, when the government finds it necessary while taking into consideration the state of execution of the new Act, the government is to review the provisions of the new Act and take necessary measures based on the results thereof.

### Supplementary Provisions [Act No. 69 of June 13, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the effective date of the Administrative Complaint Review Act (Act No. 68 of 2014).

Appended Table (Re. Article 17-13 and Article 17-15)

category of the analyses	machines and instruments
(i) analyses of gasoline entrusted by a gasoline distributor	(i) atomic absorption-photometer
	(ii) any one of the following:
	(a) oxidative microcoulometry tester
	(b) oxyhydrogen flame combustion tester
	(c) ultraviolet fluorescence tester
	(ii) wavelength-dispersive X-ray spectrometer
	(iii) gas chromatography equipment
(ii) analyses of gasoline entrusted by a gasoline producer, gasoline Importer, person who should perform verification pursuant to the provisions of Article 17-4,	(iv) gum tester
	(i) atomic absorption-photometer
	(ii) any one of the following:
	(a) oxidative microcoulometry tester

<p>paragraph (2), or specified processor of gasoline</p>	<p>(b) oxyhydrogen flame combustion tester</p> <p>(c) ultraviolet fluorescence tester</p> <p>(ii) wavelength-dispersive X-ray spectrometer</p> <p>(iii) gas chromatography equipment</p> <p>(iv) gum tester</p>
<p>(iii) analyses of diesel entrusted by a diesel producer, diesel importer, person who should perform verification pursuant to the provisions of Article 17-4, paragraph (2) as applied mutatis mutandis in Article 17-8, paragraph (3), or specified processor of diesel</p>	<p>(i) any one of the following:</p> <p>(a) oxidative microcoulometry tester</p> <p>(b) oxyhydrogen flame combustion tester</p> <p>(c) ultraviolet fluorescence tester</p> <p>(d) radioactive excitation analyzer</p> <p>(e) combustion tube oxygen tester</p> <p>(f) ultraviolet fluorescence tester</p> <p>(g) wavelength-dispersive X-ray spectrometer</p> <p>(ii) any one of the following:</p> <p>(a) cetane number tester</p> <p>(b) densimeter</p> <p>(iii) atmospheric distillation tester</p>
<p>(iv) analyses of kerosene entrusted by a kerosene producer, kerosene importer, or person who should perform verification pursuant to the provisions of Article 17-4, paragraph (2) as applied mutatis mutandis in Article 17-10, paragraph (3)</p>	<p>(i) any one of the following:</p> <p>(a) oxidative microcoulometry tester</p> <p>(b) oxyhydrogen flame combustion tester</p> <p>(c) ultraviolet fluorescence tester</p> <p>(d) wavelength-dispersive X-ray spectrometer</p> <p>(ii) abel-pensky closed tester</p> <p>(iii) saybolt color tester</p>
<p>(v) analyses of heavy oil entrusted by a heavy oil producer, heavy oil importer, or person who should perform verification pursuant to the provisions of Article 17-4, paragraph (2) as applied mutatis mutandis in Article 17-12, paragraph (3)</p>	<p>any one of the following:</p> <p>(a) combustion tube air tester</p> <p>(c) radioactive excitation analyzer</p> <p>(c) bomb mass spectrometry</p>