

Act on Rational Use and Appropriate Management of Fluorocarbons (Act No. 39 of 2013 unenforced)

(Act No. 64 of June 22, 2001)

Table of Contents

Chapter I General Provisions (Articles 1 to 8)

Chapter II Measures Pertaining to the Rational Use of Fluorocarbons

Section 1 Measures to Be Taken by Manufacturers, etc. of Fluorocarbons (Articles 9 to 11)

Section 2 Measures to Be Taken by Manufacturers, etc. of Designated Products (Articles 12 to 15)

Chapter III Measures Pertaining to the Appropriate Management of Fluorocarbons Used in Specified Products

Section 1 Measures to Be Taken by Managers of Class I Specified Products (Articles 16 to 26)

Section 2 Filling Class I Specified Products with Fluorocarbons and Recovery of Fluorocarbons from Class I Specified Products (Articles 27-49)

Section 3 Recycling of Fluorocarbons Recovered from Class I Specified Products (Articles 50 to 62)

Section 4 Destruction of Fluorocarbons (Articles 63 to 73)

Section 5 Burden of Costs (Articles 74 and 75)

Section 6 Information Processing Center (Articles 76 to 85)

Chapter IV Miscellaneous Provisions (Articles 86 to 102)

Chapter V Penal Provisions (Articles 103 to 109)

Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 In view of the fact that it is important to proactively address the universal issues of protecting the ozone layer and preventing global warming (meaning global warming prescribed in Article 2, paragraph (1) of the Act on Promotion of Global Warming Countermeasures (Act No. 117 of 1998); the same applies hereinafter), the purpose of this Act is to establish guidelines for the rational use of fluorocarbons and the appropriate management of fluorocarbons used in specified products, and to prescribe the responsibilities, etc. of manufacturers, etc. of fluorocarbons and products using fluorocarbons and managers of specified products, as well as to take measures, etc. for the rational use of fluorocarbons and the appropriate management of fluorocarbons

used in specified products, in order to reduce the emission into the atmosphere of fluorocarbons, which deplete the ozone layer and have a serious impact on global warming, and thereby to contribute to the healthy and cultural lives of the people, both now and in the future, as well as contributing to the wellbeing of all humankind.

(Definitions)

- Article 2 (1) The term "fluorocarbons" as used in this Act means chlorofluorocarbons and hydrochlorofluorocarbons which constitute specified substances prescribed in Article 2, paragraph (1) of the Act on the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures (Act No. 53 of 1988) and substances set forth in Article 2, paragraph (3), item (iv) of the Act on the Promotion of Global Warming Countermeasures.
- (2) The term "products using fluorocarbons" as used in this Act means equipment and other products in which fluorocarbons are used as a refrigerant or for other purposes, and the term "designated products" as used in this Act means products using fluorocarbons which are specified products (limited to those used heavily in Japan and filled with considerable amounts of fluorocarbons as a refrigerant) and those designated by Cabinet Order as products which are used heavily in Japan, in which considerable amounts of fluorocarbons are used, and upon the use, etc. of which it is technically possible to promote reduction in emissions of fluorocarbons.
- (3) The term "class I specified products" as used in this Act means the following equipment which is equipment for commercial use (meaning equipment other than that which general consumers use in their daily lives) and is filled with fluorocarbons as refrigerant (excluding class II specified products):
- (i) air conditioners; and
 - (ii) refrigeration equipment and freezing equipment (including vending machines which have refrigeration or freezing functions).
- (4) The term "class II specified products" as used in this Act means the specified air conditioners prescribed in Article 2, paragraph (8) of the Act on Recycling of End-of-Life Vehicles (Act No. 87 of 2002; hereinafter referred to as the "End-of-Life Vehicles Recycling Act").
- (5) The term "specified products" as used in this Act means class I specified products and class II specified products.
- (6) The term "rational use" of fluorocarbons as used in this Act means reducing the use of fluorocarbons by such measures as manufacture, etc. of substances which serve as an alternative to fluorocarbons and will not deplete the ozone layer or have a serious impact on global warming (hereinafter referred to as "substances alternative to fluorocarbons") or reducing the amount of fluorocarbons used in products using fluorocarbons.

- (7) The term "manufacture, etc." of fluorocarbons, substances alternative to fluorocarbons, or products using fluorocarbons as used in this Act means the following acts, and the term "manufacturer, etc." as used in this Act means a person engaging in manufacture, etc. in the course of trade:
- (i) the act of manufacturing fluorocarbons, substances alternative to fluorocarbons, or products using fluorocarbons (excluding any such act entrusted by another person (excluding non-residents prescribed in Article 6 of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949); hereinafter the same applies in this paragraph));
 - (ii) the act of importing fluorocarbons, substances alternative to fluorocarbons or products using fluorocarbons (excluding any such act entrusted by another person); and
 - (iii) the act of entrusting another person with any of the acts set forth in the preceding two items.
- (8) The term "use, etc." of products using fluorocarbons as used in this Act means the following acts, and the term "manager" as used in this Act means an owner of products using fluorocarbons or any other person responsible for managing the use, etc. of products using fluorocarbons:
- (i) using products using fluorocarbons;
 - (ii) causing a person who maintains products using fluorocarbons to maintain products using fluorocarbons; and
 - (iii) disposing of products using fluorocarbons, or transfer all or part of products using fluorocarbons with or without compensation in order to use them as part of raw materials, parts or other products (hereinafter referred to as "disposal, etc.").
- (9) The term "appropriate management" of fluorocarbons used in specified products as used in this Act means making efforts to reduce emissions of fluorocarbons by appropriately ascertaining amounts of emissions of fluorocarbons, filling specified products with fluorocarbons, and recovery, recycling and destruction of fluorocarbons, or any other acts in connection with the use, etc. of specified products.
- (10) The term "class I fluorocarbon filling and recovery operations" as used in this Act means, in the case of maintenance of class I specified products, filling the class I specified products with fluorocarbons as a refrigerant in the course of trade and, in the case of maintenance or disposal, etc. of class I specified products, recovering fluorocarbons with which class I specified products are filled as a refrigerant in the course of trade, and the term "class I fluorocarbon filling and recovery operator" as used in this Act means a person who has obtained the registration referred to in Article 27, paragraph (1) for engagement in class I fluorocarbon filling and recovery operations.
- (11) The term "class I fluorocarbon recycling operations" as used in this Act

means the recycling, in the course of trade, of fluorocarbons with which class I specified products are filled as a refrigerant (meaning making the fluorocarbons usable as a refrigerant or as raw materials for products, or transferrable with compensation to persons for use as a refrigerant or as raw materials for products, by removing impurities from the fluorocarbons through filtration, distillation or any other means or by adjusting the quality of fluorocarbons by mixing them with other fluorocarbons; the same applies hereinafter), and the term "class I fluorocarbon recycling operator" as used in this Act means a person who has obtained the license referred to in Article 50, paragraph (1) to engage in class I fluorocarbon recycling operations.

(12) The term "fluorocarbon destruction operations" as used in this Act means destroying, in the course of trade, fluorocarbons with which specified products are filled as a refrigerant, and the term "fluorocarbons destruction operator" as used in this Act means a person who has obtained the license referred to in Article 63, paragraph (1) to engage in fluorocarbon destruction operations.

(Guidelines)

Article 3 (1) The competent ministers are to establish guidelines for matters concerning the rational use of fluorocarbons and the appropriate management of fluorocarbons used in specified products, in order to contribute to the protection of the ozone layer and the prevention of global warming by making efforts to reduce the use and emissions of fluorocarbons.

(2) The guidelines referred to in the preceding paragraph must be in harmony with the guidelines for reducing emissions and rationalizing use prescribed in Article 20, paragraph (1) of the Act on the Protection of the Ozone Layer Through the Control of Specified Substances and Other Measures.

(3) When the competent ministers establish or change the guidelines referred to in paragraph (1), they are to publicize them without delay.

(Responsibility of Manufacturers, etc.)

Article 4 (1) A manufacturer, etc. of fluorocarbons shall endeavor to take necessary measures for the development of substances alternative to fluorocarbons and for other rational uses of fluorocarbons, in accordance with the guidelines referred to in paragraph (1) of the preceding Article, and must cooperate with the policies implemented by the national and local governments for the rational use of fluorocarbons and the appropriate management of fluorocarbons used in specified products.

(2) A manufacturer, etc. of designated products must endeavor to take necessary measures for the development of products which use substances alternative to fluorocarbons, for reduction in the impact on depletion of the ozone layer and global warming caused by fluorocarbons emitted upon the use, etc. of

designated products (hereinafter referred to as the "environmental impact of fluorocarbons used" in paragraph (1) of the following Article and Section 2 of the following Chapter) and for other rational uses of fluorocarbons, in accordance with the guidelines referred to in paragraph (1) of the preceding Article, and cooperate with the policies implemented by the national and local governments for the rational use of fluorocarbons.

- (3) A manufacturer, etc. of specified products shall endeavor to develop products which use substances alternative to fluorocarbons, in accordance with the guidelines referred to in paragraph (1) of the preceding Article, and must cooperate with the policies implemented by the national and local governments for the appropriate management of fluorocarbons used in specified products and the reduction of emissions of fluorocarbons from specified products.

(Responsibility of Managers of Designated Products and Specified Products)

Article 5 (1) Managers of designated products shall endeavor to make use, etc. of designated products which have a lesser environmental impact of fluorocarbons used, in accordance with the guidelines referred to in Article 3, paragraph (1).

- (2) During the use, etc. of specified products, a manager of specified products must endeavor to ensure appropriate management of fluorocarbons used in the specified products, in accordance with the guidelines referred to in Article 3, paragraph (1), and must cooperate with the policies implemented by the national and local governments for the proper management of fluorocarbons used in specified products.

(Responsibility of class I Fluorocarbon Filling and Recovery Operators)

Article 6 A class I fluorocarbon filling and recovery operator, class II fluorocarbon recovery operator (meaning a fluorocarbon recovery operator prescribed in Article 2, paragraph (12) of the End-of-Life Vehicles Recycling Act; the same applies in Article 29, paragraph (1), item (ii) and Article 71, paragraph (2)), person maintaining class I specified products (hereinafter referred to as a "class I specified products ,maintenance operator"), class I fluorocarbon recycling operator, fluorocarbon destruction operator, and any other business operator which handles fluorocarbons used in specified products or designated products must take necessary measures for the appropriate management of fluorocarbons used in the specified products when conducting their business, in accordance with the guidelines referred to in Article 3, paragraph (1).

(Responsibility of the National Government)

Article 7 The national government shall endeavor to take measures to gain the understanding and cooperation of managers of designated products and

specified products and other necessary measures to promote the rational use of fluorocarbons and the appropriate management of fluorocarbons used in specified products.

(Responsibility of Local Governments)

Article 8 Local governments must endeavor to take necessary measures to promote the rational use of fluorocarbons and the appropriate management of fluorocarbons used in specified products in accordance with the national government's policies.

Chapter II Measures Pertaining to the Rational Use of Fluorocarbons

Section 1 Measures to Be Taken by Manufacturers etc. of Fluorocarbons

(Standards of Judgment for Manufacturers etc. of Fluorocarbons)

Article 9 (1) The competent minister is to establish and publicize standards of judgment for manufacturers, etc. of fluorocarbons with regard to measures to be taken by them for the manufacture, etc. of substances alternative to fluorocarbons and other rational uses of fluorocarbons, in order to promote the rational use of fluorocarbons.

(2) The standards of judgment prescribed in the preceding paragraph are to be established in line with the guidelines referred to in Article 3, paragraph (1) and taking into consideration the status of development of substances alternative to fluorocarbons and other circumstances, and are to be revised if necessary depending on any changes in these circumstances.

(3) When the competent minister intends to establish the standards of judgment prescribed in paragraph (1), the minister must confer in advance with the Minister of the Environment. The same applies when the competent minister intends to change or abolish the standards of judgment.

(4) When the Minister of the Environment finds it necessary to promote the reduction in emissions of fluorocarbons, the minister may state opinions to the competent minister on the standards of judgment prescribed in paragraph (1).

(Guidance and Advice)

Article 10 When the competent minister finds it necessary to promote the rational use of fluorocarbons, the minister may provide manufacturers, etc. of fluorocarbons with necessary guidance and advice on measures for the manufacture, etc. of substances alternative to fluorocarbons and other rational uses of fluorocarbons, taking into consideration the standards of judgment prescribed in paragraph (1) of the preceding Article.

(Recommendations and Orders)

- Article 11 (1) When the competent minister finds that the status of measures taken by a manufacturer, etc. of fluorocarbons (limited to one which manufactures, etc. fluorocarbons the production or import volume of which satisfies the requirements specified by order of the competent ministry; hereinafter the same applies in this Article) for the manufacture, etc. of substances alternative to fluorocarbons and other rational uses of fluorocarbons are significantly inadequate in light of the standards of judgment prescribed in Article 9, paragraph (1), the minister may recommend that the manufacturer, etc. of fluorocarbons take necessary measures for the manufacture, etc. of substances alternative to fluorocarbons and other rational use of fluorocarbons, giving the grounds for the minister's judgment.
- (2) If a manufacturer, etc. of fluorocarbons which has received a recommendation as prescribed in the preceding paragraph does not follow the recommendation, the competent minister may publicize this fact.
- (3) If a manufacturer, etc. of fluorocarbons which has received a recommendation prescribed in paragraph (1) still does not take the recommended measures without reasonable grounds after the competent minister has publicized the fact that it has not followed the recommendation pursuant to the provisions of the preceding paragraph, and the minister finds that the rational use of fluorocarbons will be significantly affected, the minister may order the manufacturer, etc. of fluorocarbons to take the recommended measures after hearing the opinions of councils, etc. (meaning organs prescribed in Article 8 of the National Administrative Organization Act (Act No. 120 of 1948)) specified by Cabinet Order.

Section 2 Measures to Be Taken by Manufacturers, etc. of Designated Products

(Standards of Judgment for Manufacturers , etc. of Designated Products)

- Article 12 (1) With respect to designated products, the competent ministers are to establish and publicize standards of judgment for manufacturers, etc. of designated products with regard to the reduction of the environmental impact of fluorocarbons used in each designated product, in order to promote the rational use of fluorocarbons.
- (2) The standards of judgment prescribed in the preceding paragraph are to be established in line with the guidelines referred to in Article 3, paragraph (1) and taking into consideration the environmental impact of fluorocarbons used in the designated product which has the least environmental impact of fluorocarbons used, future prospects for technological development with regard to reduction in the environmental impact of fluorocarbons used in the designated product and other circumstances, and are to be revised if necessary

depending on any changes in these circumstances.

- (3) When a competent minister intends to establish, revise or abolish the standards of judgment prescribed in paragraph (1), the minister must hear opinions of the Minister of the Environment and the Minister of Economy, Trade and Industry.
- (4) When the Minister of the Environment and the Minister of Economy, Trade and Industry find it particularly necessary to reduce emissions of fluorocarbons, they may state opinions to the competent minister about changing the standards referred to in the preceding paragraph.

(Recommendations and Orders on the Reduction of the Environmental Impact of Fluorocarbons Used)

Article 13 (1) When the competent ministers find it necessary to significantly reduce the environmental impact of fluorocarbons used in designated products which a manufacturer, etc. of designated products (limited to one which manufactures, etc. designated products the production or import volume of which satisfies the requirements specified by order of the competent ministry; hereinafter the same applies in this Article) manufactures, etc. in light of the standards of judgment prescribed in paragraph (1) of the preceding Article, they may indicate reduction goals to the manufacturer, etc. of designated products and recommend that it reduce the environmental impact of fluorocarbons used in the designated products.

- (2) The provisions of Article 11, paragraphs (2) and (3) apply mutatis mutandis to a recommendation prescribed in the preceding paragraph. In this case, the term "manufacturer, etc. of fluorocarbons" in these provisions is deemed to be replaced with "manufacturer, etc. of designated products".

(Indication)

Article 14 With respect to designated products, the competent ministers are to establish the following matters for each designated product, and give public notice thereof, in order to promote the rational use of fluorocarbons:

- (i) matters to be indicated by manufacturers, etc. of designated products with regard to the environmental impact of fluorocarbons used in designated products; and
- (ii) the method of indicating the matters set forth in the preceding item, and other rules to be followed by manufacturers, etc. of designated products when indicating the environmental impact of fluorocarbons used.

(Recommendations and Orders on Indication)

Article 15 (1) If the competent ministers find that a manufacturer, etc. of designated products has not provided indications of the environmental impact

of fluorocarbons used in accordance with the public notice made pursuant to the provisions of the preceding Article with respect to designated products which the manufacturer, etc. of designated products manufactures, etc., the ministers may recommend that the manufacturer, etc. of designated products provide indications of the environmental impact of fluorocarbons used in the designated products in accordance with the public notice made pursuant to the provisions of the Article.

- (2) The provisions of paragraphs (2) and (3) of Article 11 apply mutatis mutandis to a recommendation prescribed in the preceding paragraph. In this case, the term "manufacturer, etc. of fluorocarbons" in these provisions is deemed to be replaced with "manufacturer, etc. of designated products".

**Chapter III Measures Pertaining to the Appropriate Management of
Fluorocarbons Used in Specified Products
Section 1 Measures to Be Taken by Managers of Class I Specified
Products**

(Standards of Judgment for Managers of Class I Specified Products)

Article 16 (1) The competent ministers are to establish and publicize standards of judgment for managers of class I specified products with regard to measures to be taken by them during the use, etc. of class I specified products to be managed (meaning class I specified products the use, etc. of which managers of class I specified products have the responsibility to manage; hereinafter the same applies in this Section) for the appropriate management of the fluorocarbons, in order to promote the appropriate management of fluorocarbons used in class I specified products.

- (2) The standards of judgment prescribed in the preceding paragraph are to be established in line with the guidelines referred to in Article 3, paragraph (1) and taking into consideration the status of use, etc. of class I specified products, the impact on the depletion of the ozone layer and global warming caused by fluorocarbons emitted during the use, etc. of class I specified products, the status of development of products which use substances alternative to fluorocarbons and other circumstances, and are to be revised if necessary depending on any changes in these circumstances.

(Guidance and Advice)

Article 17 When a relevant municipal or prefectural governor finds it necessary to promote the appropriate management of fluorocarbons used in class I specified products, the governor may provide managers of class I specified products with necessary guidance and advice on the use, etc. of class I specified products, taking into consideration the standards of judgment prescribed in

paragraph (1) of the preceding Article.

(Recommendations and Orders)

Article 18 (1) If a relevant municipal or prefectural governor finds that the use, etc. of class I specified products to be managed by a manager of class I specified products (limited to a manager satisfying the requirements specified by order of the competent ministry, taking into consideration the type and quantity of class I specified products to be managed and other circumstances; hereinafter the same applies in this Article) is significantly inadequate in light of the standards of judgment prescribed in Article 16, paragraph (1), the governor may recommend that the manager of class I specified products take necessary measures for the use, etc. of the class I specified products to be managed, giving the grounds for the minister's judgment.

(2) If a manager of class I specified products who has received a recommendation as prescribed in the preceding paragraph does not follow the recommendation, the municipal or prefectural governor may publicize this fact.

(3) If a manager of class I specified products who has received a recommendation prescribed in paragraph (1) still does not take the recommended measures without reasonable grounds after the municipal or prefectural governor has publicized the fact that the manager has not followed the recommendation pursuant to the provisions of the preceding paragraph, and the governor finds that the appropriate management of fluorocarbons used in class I specified products will be significantly affected, the governor may order the manager to take the recommended measures.

(Report on Calculated Amount of Leaked Fluorocarbons)

Article 19 (1) A manager of class I specified products (limited to a manager specified by order of the competent ministry as a business operator the calculated amount of leaked fluorocarbons (meaning the amount of leaked fluorocarbons calculated in the manner specified by order of the competent ministry as the amount of fluorocarbons emitted during the use, etc. of class I specified products; the same applies hereinafter) of which is considerably large; hereinafter the same applies in this Section) must report the calculated amount of leaked fluorocarbons and other matters specified by order of the competent ministry to the ministers with jurisdiction over the business of the manager of class I specified products (hereinafter referred to as "ministers with jurisdiction over the business" in this Section and Article 100) every fiscal year pursuant to the provisions of an order of the competent ministry.

(2) With respect to a business operator engaged in business in which it authorizes the use of specific trademarks, trade names or other indications, specifies the manner of selling goods or providing services, and gives guidance

on management on an ongoing basis pursuant to standard general conditions which provide for matters specified by orders of the competent ministries with regard to the use, etc. of class I specified products to be managed, for which products a person who participates in the business (hereinafter referred to as a "franchisee" in this paragraph) will become the manager of class I specified products (a business operator engaging in this type of business is hereinafter referred to as a "chain business operator" in this paragraph), the provisions of the preceding paragraph apply by deeming the franchisee's use, etc. of class I specified products to be managed as the chain business operator's use, etc. of class I specified products to be managed.

- (3) When a minister with jurisdiction over the business receives a report pursuant to the provisions of paragraph (1), the minister for the business is to notify the Minister of the Environment and the Minister of Economy, Trade and Industry of the matters reported.

(Record of Matters Reported)

Article 20 (1) The Minister of the Environment and the Minister of Economy, Trade and Industry are to record the matters of which notice is given pursuant to the provisions of paragraph (3) of the preceding Article in a file stored on a computer, pursuant to the provisions of an Order of the Ministry of the Environment and an Order of the Ministry of Economy, Trade and Industry.

- (2) When the Minister of the Environment and the Minister of Economy, Trade and Industry record matters pursuant to the provisions of the preceding paragraph, they are to notify, without delay, the ministers with jurisdiction over the business of the matters recorded in the file referred to in the paragraph (hereinafter referred to as "matters recorded in the file" in this Section) which pertain to managers of class I specified products engaged in business under the jurisdiction of the ministers with jurisdiction over the business, and are to notify the relevant municipal or prefectural governor of the matters recorded in the file which pertain to the places of business located in the municipal or prefectural areas under the jurisdiction of the municipal or prefectural governor, respectively, pursuant to the provisions of an Order of the Ministry of the Environment and an Order of the Ministry of Economy, Trade and Industry.

- (3) The Minister of the Environment and the Minister of Economy, Trade and Industry are to aggregate, without delay, the matters recorded in the file pursuant to the provisions of an Order of the Ministry of the Environment and an Order of the Ministry of Economy, Trade and Industry.

- (4) The Minister of the Environment and the Minister of Economy, Trade and Industry are to notify, without delay, the ministers with jurisdiction over the business and the municipal or prefectural governor of the results of the

aggregation pursuant to the provisions of the preceding paragraph, and publicize the results.

- (5) Upon receiving a notice pursuant to the provisions of paragraph (2), the ministers with jurisdiction over the business and the municipal or prefectural governor may aggregate the matters contained in the notice and publicize the results.

(Right to Request Disclosure)

Article 21 (1) Upon publication pursuant to the provisions of paragraph (4) of the preceding Article, any person may request the competent ministers to disclose the matters recorded in the file which have been publicized and which are possessed by the competent ministers, on or after the day of the publication.

- (2) A request referred to in the preceding paragraph (hereinafter referred to as a "disclosure request" in this paragraph and the following Article) must be made by clarifying the following matters:

- (i) the name and domicile or residence of the person making the disclosure request and, if it is a corporation or any other organization, the name of the representative; and
- (ii) the name and location of the places of business or managers of class I specified products which pertain to the disclosure request, or any other matters sufficient to identify the places of business or managers of class I specified products.

(Duty of Disclosure)

Article 22 When the competent ministers receive a disclosure request, they must promptly disclose to the person making the disclosure request the matters recorded in the file which pertain to the disclosure request.

(Provision of Information)

Article 23 (1) Managers of class I specified products may provide the ministers with jurisdiction over the business with information on the status of changes in the calculated amount of leaked fluorocarbons and other information pertaining to the report pursuant to the provisions of orders of the competent ministries, together with a report pursuant to the provisions of Article 19, paragraph (1), in order to contribute to further understanding of the information publicized pursuant to the provisions of Article 20, paragraph (4) or disclosed pursuant to the provisions of the preceding Article.

- (2) A minister with jurisdiction over the business is to notify the Minister of the Environment and the Minister of Economy, Trade and Industry of any information provided pursuant to the provisions of the preceding paragraph.
- (3) The Minister of the Environment and the Minister of Economy, Trade and

Industry are to record any information contained in a notice given pursuant to the provisions of the preceding paragraph in the file prescribed in Article 20, paragraph (1), pursuant to the provisions of an Order of the Ministry of the Environment and an Order of the Ministry of Economy, Trade and Industry.

- (4) When the Minister of the Environment and the Minister of Economy, Trade and Industry record any matters pursuant to the provisions of the preceding paragraph, they are to notify, without delay, the ministers with jurisdiction over the business of the matters recorded in the file specified in the paragraph which pertain to managers of class I specified products engaged in business under the authority of a minister with jurisdiction over the business, and are to notify the relevant municipal or prefectural governor of the matters recorded in the file which pertain to the places of business located in the municipal or prefectural areas under the authority of the municipal or prefectural governor, respectively, pursuant to the provisions of an Order of the Ministry of the Environment and Order of the Ministry of Economy, Trade and Industry, and publicize the matters.
- (5) The provisions of the preceding two Articles apply mutatis mutandis in the case of a publication made pursuant to the provisions of the preceding paragraph.

(Technical Advice)

Article 24 The competent ministers are to provide managers of class I specified products with necessary technical advice, information and other assistance in order to contribute to ensuring appropriate calculation of amounts of leaked fluorocarbons or voluntarily reduction in emissions of fluorocarbons, and promoting other appropriate management of fluorocarbons used in class I specified products.

(Fees)

Article 25 A person to whom matters recorded in the file are disclosed must pay, pursuant to the provisions of a Cabinet Order, fees for the disclosure in an amount specified by Cabinet Order, determined by taking the actual costs into consideration.

(Report Using Magnetic Disks)

Article 26 (1) A minister with jurisdiction over the business may accept reports pursuant to the provisions of Article 19, paragraph (1) on magnetic disks (including any object capable of securely recording certain matters in an equivalent manner; the same applies in the following paragraph), pursuant to the provisions of an order of the competent ministry.

- (2) The competent ministers may accept requests pursuant to the provisions of

Article 21, paragraph (1) (including when applied mutatis mutandis pursuant to Article 23, paragraph (5)) or make disclosures pursuant to the provisions of Article 22 (including when they are applied mutatis mutandis pursuant to Article 23, paragraph (5)) on magnetic disks, pursuant to the provisions of orders of the competent ministries.

Section 2 Filling Class I Specified Products with Fluorocarbons and Recovery of Fluorocarbons from Class I Specified Products

(Registration of Class I Fluorocarbon Filling and Recovery Operators)

Article 27 (1) Any person intending to engage in class I fluorocarbon filling and recovery operations must be registered with the relevant municipal or prefectural governor with jurisdiction over the areas where the operations are to be conducted.

(2) Any person seeking a registration referred to in the preceding paragraph must submit to the relevant municipal or prefectural governor an application containing the following information, with documents specified by order of the competent ministry appended thereto:

- (i) the person's name and address and, if the person is a corporation, the name of its representative;
- (ii) the name and location of the person's place of business;
- (iii) the type of class I specified products to which the person's business relates, the type of fluorocarbons with which the person intends to fill the class I specified products as a refrigerant, and the fluorocarbons which the person intends to recover;
- (iv) the type and capacity of facilities to be used to fill class I specified products with fluorocarbons and to recover fluorocarbons with which class I specified products are filled as a refrigerant for each place of business; and
- (v) other matters specified by order of the competent ministry.

(Implementation of Registration)

Article 28 (1) If an application for registration is filed pursuant to the provisions of paragraph (2) of the preceding Article, the relevant municipal or prefectural governor must record the matters set forth in paragraph (2), items (i) through (iii) of the preceding Article, the registration date, and the registration number in the registry of class I fluorocarbon filling and recovery operators, except when the governor denies the registration pursuant to the provisions of paragraph (1) of the following Article.

(2) If the relevant prefectural or municipal governor has completed a registration pursuant to the provisions of the preceding paragraph, the governor must notify the applicant of this fact without delay.

(Denial of Registration)

- Article 29 (1) If a person seeking a registration referred to in Article 27, paragraph (1) falls under any of the following items, if the matters set forth in Article 27, paragraph (2), item (iv) pertaining to an application for registration pursuant to the provisions of paragraph (2) of the Article are found not to comply with the standards specified by order of the competent ministry as sufficient to appropriately fill class I specified products with fluorocarbons and appropriately and securely recover fluorocarbons with which class I specified products are filled as a refrigerant, or if an application or appended document includes a false statement on any important matter or fails to state a material fact, the relevant municipal or prefectural governor must deny the registration:
- (i) an adult ward, a person under curatorship, or a person who has been subject to an order of commencement of bankruptcy proceedings and whose rights have not been restored;
 - (ii) a person who has been sentenced to a fine or more severe punishment for violating the provisions of this Act, provisions of the End-of-Life Vehicles Recycling Act (limited to those pertaining to collection operators (meaning collection operators prescribed in Article 2, paragraph (11) of the End-of-Life Vehicles Recycling Act; the same applies in Article 71, paragraph (2) and Article 87, item (ii)), class II fluorocarbon recovery operators or vehicle manufacturers, etc. (meaning vehicle manufacturers, etc. prescribed in Article 2, paragraph (16) of the End-of-Life Vehicles Recycling Act; the same applies hereinafter); the same applies in Article 51, item (ii), (b) and Article 64, item (ii), (b)) or a disposition pursuant to those provisions, provided that two years have not elapsed since the day on which the person completed the payment of the fine or finished serving the sentence or the day on which the person became no longer subject to the execution of the fine or the sentence;
 - (iii) a person whose registration has been rescinded pursuant to the provisions of Article 35, paragraph (1), provided that two years have not elapsed since the day on which the person became subject to the disposition;
 - (iv) in the case of a class I fluorocarbon filling and recovery operator that is a corporation and has its registration rescinded pursuant to the provisions of Article 35, paragraph (1), a person who, within thirty days before the day on which the corporation became subject to that disposition, was an officer of the class I fluorocarbon filling and recovery operator, provided that two years have not elapsed since the day on which the corporation became subject to the disposition;
 - (v) a person who has been ordered to suspend business pursuant to the provisions of Article 35, paragraph (1), provided that the period of suspension has not elapsed; or

- (vi) a corporation with an officer who falls under any of the preceding items.
- (2) If the relevant municipal or prefectural governor has denied a registration pursuant to the provisions of the preceding paragraph, the governor must notify the applicant of this fact without delay, indicating the reason for denial.

(Renewal of Registration)

- Article 30 (1) Unless the registration referred to in Article 27, paragraph (1) is renewed every five years, it ceases to be effective upon the expiration of the relevant five-year period.
- (2) The provisions of Article 27, paragraph (2), Article 28 and the preceding Article apply mutatis mutandis to the renewal set forth in the preceding paragraph.
- (3) If an application has been submitted for the renewal referred to in paragraph (1), and no disposition has been made on the application by the day on which the period referred to in the same paragraph (hereinafter referred to as the "effective period of registration" in this Article) expires, the previous registration remains in force until a disposition is made, even after the effective period of registration has expired.
- (4) In a case referred to in the preceding paragraph, if the registration is renewed, the effective period of registration is calculated from the day following the day on which the previous effective period of registration expired.

(Notification of Changes)

- Article 31 (1) If there has been a change (excluding a minor one specified by an order of the competent ministry) in any of the matters set forth in the items of Article 27, paragraph (2), the class I fluorocarbon filling and recovery operator must notify the relevant municipal or prefectural governor of that fact, appending the documents specified by order of the competent ministry, within thirty days from the date of the change.
- (2) The provisions of Articles 28 and 29 apply mutatis mutandis if a notification is submitted pursuant to the provisions of the preceding paragraph.

(Inspection of Registry of Class I Fluorocarbon Filling and Recovery Operators)

Article 32 The relevant municipal or prefectural governor must make the registry of Class I fluorocarbon filling and recovery operators available for public inspection.

(Notification of Discontinuation of Business)

Article 33 (1) If any of the following items apply to a class I fluorocarbon filling and recovery operator, the person specified in the relevant item must notify the relevant municipal or prefectural governor (in the case of item (v), the relevant

municipal or prefectural governor who has registered the class I fluorocarbon filling and recovery operator related to the class I fluorocarbon filling and recovery operations discontinued) of this fact within thirty days from the date of occurrence thereof:

- (i) if the class I fluorocarbon filling and recovery operator has died: its successor;
 - (ii) if the class I fluorocarbon filling and recovery operator was a corporation and has been extinguished in a merger: a person who was an officer representing the corporation;
 - (iii) if the class I fluorocarbon filling and recovery operator was a corporation and has been dissolved due to an order of commencement of bankruptcy proceedings: its bankruptcy trustee;
 - (iv) if the class I fluorocarbon filling and recovery operator was a corporation and has been dissolved for reasons other than a merger or an order of commencement of bankruptcy proceedings: its liquidator; or
 - (v) if the class I fluorocarbon filling and recovery operations have been discontinued in the municipal or prefectural area registered by the class I fluorocarbon filling and recovery operator: the individual who was the class I fluorocarbon filling and recovery operator or an officer representing the corporation who was the class I fluorocarbon filling and recovery operator.
- (2) If a class I fluorocarbon filling and recovery operator has come to fall under any of the items of the preceding paragraph, its registration as a class I fluorocarbon filling and recovery operator ceases to be effective.

(Cancellation of Registration)

Article 34 If a registration ceases to be effective pursuant to the provisions of Article 30, paragraph (1) or paragraph (2) of the preceding Article, or if a registration is rescinded pursuant to the provisions of paragraph (1) of the following Article, the relevant municipal or prefectural governor must cancel the registration of the relevant class I fluorocarbon filling and recovery operator.

(Rescission of Registration)

Article 35 (1) If a class I fluorocarbon filling and recovery operator falls under any of the following items, the relevant municipal or prefectural governor may rescind its registration, or order it to suspend all or part of its business for a period set by the governor not exceeding six months:

- (i) the class I fluorocarbon filling and recovery operator has been registered as a class I fluorocarbon filling and recovery operator by wrongful means;
- (ii) the facilities which the class I fluorocarbon filling and recovery operator uses for filling class I specified products with fluorocarbons and recovering

- fluorocarbons with which class I specified products are filled as a refrigerant no longer conform to the standards prescribed in Article 29, paragraph (1);
- (iii) the class I fluorocarbon filling and recovery operator has come to fall under Article 29, paragraph (1), item (i), (ii), (iv) or (vi); or
- (iv) the class I fluorocarbon filling and recovery operator has violated this Act, an order pursuant to this Act or a disposition pursuant to this Act.
- (2) The provisions of Article 29, paragraph (2) apply mutatis mutandis if a disposition is made pursuant to the provisions of the preceding paragraph.

(Delegation to an order of the Competent Ministry)

Article 36 Beyond what is provided for in Article 27 through the preceding Article, necessary matters concerning the registration of class I fluorocarbon filling and recovery operators is prescribed by order of the competent ministry.

(Class I Specified Products Maintenance Operators' Obligation to Entrust Filling)

Article 37 (1) In maintaining class I specified products, if it is necessary to fill the class I specified products with fluorocarbons as a refrigerant, a class I specified products maintenance operator must entrust a class I fluorocarbon filling and recovery operator with the filling of class I specified products with fluorocarbons; provided, however, that this does not apply if the class I specified products maintenance operator is a class I fluorocarbon filling and recovery operator, and fills the class I specified products with fluorocarbons itself.

(2) In entrusting the filling of class I specified products with fluorocarbons prescribed in the main clause of the preceding paragraph, a class I specified products maintenance operator must notify the class I fluorocarbon filling and recovery operator of the name and address of the manager of class I specified products who ordered the maintenance of class I specified products, of whether the manager of class I specified products uses an input-output device which connects to a computer used by an information processing center prescribed in Article 76, paragraph (1) (hereinafter referred to as an "information processing center" in this Section) through an electronic telecommunication line, and if an input-output device is used, of the name of the information processing center, pursuant to the provisions of an order of the competent ministry.

(3) A class I fluorocarbon filling and recovery operator (including a class I specified products maintenance operator that fills class I specified products with fluorocarbons itself pursuant to the provisions of the proviso to paragraph (1); the same applies in the following paragraph, paragraph (1) of the following Article, paragraphs (1) through (3) of Article 47, and paragraphs (1), (2), (5) and (7) of Article 49) must comply with the standards for filling of class I

specified products with fluorocarbons prescribed by order of the competent ministry if it fills class I specified products with fluorocarbons after being entrusted with the filling of class I specified products with fluorocarbons as prescribed in the main clause of paragraph (1) or fills class I specified products with fluorocarbons pursuant to the provisions of the proviso to the paragraph.

- (4) If the class I fluorocarbon filling and recovery operator has filled class I specified products with fluorocarbons after being entrusted with the filling of class I specified products with fluorocarbons as prescribed in the main clause of paragraph (1) or has filled class I specified products with fluorocarbons pursuant to the provisions of the proviso to the paragraph, it must enter the matters specified by order of the competent ministry in a document attesting to the filling of class I specified products with fluorocarbons (hereinafter referred to as a "filling certificate" in this paragraph and paragraph (1) of the following Article), and deliver the filling certificate to the manager of class I specified products who ordered the maintenance of class I specified products related to the fluorocarbons, pursuant to the provisions of an order of the competent ministry.

(Use of an Electronic Data Processing System)

Article 38 (1) Notwithstanding the provisions of paragraph (4) of the preceding Article, if a class I fluorocarbon filling and recovery operator (limited to one using an input-output device which is connected to a computer used by an information processing center (limited to the information processing center the notice of the name of which has been given pursuant to the provisions of paragraph (2) of the preceding Article; hereinafter the same applies in this paragraph through paragraph (3)) through an electronic telecommunication line) fills class I specified products with fluorocarbons and registers the amount filled and other matters specified by order of the competent ministry with the information management center, for each type of fluorocarbon, using an electronic data processing system, within the period specified by order of the competent ministry after the class I specified products have been filled with the fluorocarbons with the approval of the manager of the class I specified products pursuant to the provisions of an order of the competent ministry, the class I fluorocarbon filling and recovery operator is not required to deliver a filling certificate.

- (2) If a registration has been made pursuant to the provisions of the preceding paragraph, the information processing center is to give notification, without delay, of the matters registered to the manager of class I specified products who ordered the maintenance of class I specified products related to the fluorocarbons for which the registration has been made, using an electronic data processing system.

- (3) The information processing center must record the information registered pursuant to the provisions of paragraph (1) in a file stored on a computer it uses, and retain the information for the period specified by order of the competent ministry from the date of registration.
- (4) Beyond what is provided for in the preceding three paragraphs, necessary matters concerning electronic data processing systems are prescribed by order of the competent ministry.

(Delivery Obligation of Class I Specified Products Maintenance Operators)

Article 39 (1) In maintaining class I specified products, if it is necessary to recover fluorocarbons with which the class I specified products are filled as a refrigerant, a class I specified products maintenance operator must entrust the recovery of the fluorocarbons to a class I fluorocarbon filling and recovery operator; provided, however, that this does not apply if the class I specified products maintenance operator is a class I fluorocarbon filling and recovery operator, and recovers the fluorocarbons itself.

- (2) In entrusting the recovery of fluorocarbons prescribed in the main clause of the preceding paragraph, a class I specified products maintenance operator must notify the class I fluorocarbon filling and recovery operator of the name and address of the manager of class I specified products who ordered the maintenance of the class I specified products, of whether the manager of class I specified products uses an input-output device which connects to a computer used by an information processing center through an electronic telecommunication line, and if an input-output device is used, of the name of the information processing center, pursuant to the provisions of an order of the competent ministry.
- (3) A class I fluorocarbon filling and recovery operator (including a class I specified products maintenance operator that recovers fluorocarbons itself pursuant to the provisions of the proviso to paragraph (1); the same applies in paragraph (6), paragraph (1) of the following Article, Article 46, Article 47, paragraphs (1) through (3), Article 48, Article 49, paragraphs (1), (2) and (5) through (7), Article 59, paragraphs (1) and (2), Article 60, paragraph (2), Article 62, paragraphs (3) and (5), Article 69, paragraphs (1) and (5), Article 70, paragraphs (1) and (2), Article 71, paragraph (2), Article 73, paragraphs (2) and (4), and Article 75) must comply with the standards for recovery of fluorocarbons prescribed in Article 44, paragraph (2) if it recovers fluorocarbons after being entrusted with the recovery of fluorocarbons as prescribed in the main clause of paragraph (1) or recovers fluorocarbons pursuant to the provisions of the proviso to the paragraph.
- (4) If a class I specified products maintenance operator has caused a class I fluorocarbon filling and recovery operator to recover fluorocarbons with which

class I specified products are filled as a refrigerant pursuant to the provisions of the main clause of paragraph (1), and there are fluorocarbons among them other than those with which the class I specified products have been filled again as a refrigerant pursuant to the provisions of the main clause of Article 37, paragraph (1), it must deliver those other fluorocarbons to the class I specified products maintenance operator.

- (5) If a class I specified products maintenance operator is requested by a class I specified products maintenance operator to collect the fluorocarbons prescribed in the preceding paragraph, it must collect the fluorocarbons, except when there are reasonable grounds for not doing so.
- (6) If a class I fluorocarbon filling and recovery operator has recovered fluorocarbons after being entrusted with the recovery of fluorocarbons prescribed in the main clause of paragraph (1) or has recovered fluorocarbons pursuant to the provisions of the proviso to the paragraph, it must enter the matters specified by order of the competent ministry in a document attesting to the recovery of fluorocarbons (hereinafter referred to as a "recovery certificate" in this paragraph and paragraph (1) of the following Article), and deliver the recovery certificate to the manager of class I specified products who ordered the maintenance of the class I specified products related to the fluorocarbons, pursuant to the provisions of an order of the competent ministry.

(Use of an Electronic Data Processing System)

Article 40 (1) Notwithstanding the provisions of paragraph (6) of the preceding Article, in maintaining class I specified products, if a class I specified products filling and recovery operator recovers fluorocarbons with which class I specified products are filled as a refrigerant (limited to when the input-output device used by the manager of class I specified products who ordered the maintenance of the class I specified products is connected to a computer used by an information processing center (limited to an information processing center notice of the name of which has been given pursuant to the provisions of paragraph (2) of the preceding Article; hereinafter the same applies in this paragraph and paragraphs (2) and (3) of Article 38 as applied mutatis mutandis pursuant to the following paragraph) through an electronic telecommunications line) and registers the amount recovered and other matters specified by an order of the competent ministry with the information management center, for each type of fluorocarbon, using an electronic data processing system, within the period specified by order of the competent ministry after it has recovered the fluorocarbons with the approval of the manager of class I specified products pursuant to the provisions of an order of the competent ministry, the class I specified products filling and recovery operator is not required to deliver a recovery certificate.

(2) The provisions of paragraphs (2) through (4) of Article 38 apply mutatis mutandis to the registration pursuant to the provisions of the preceding paragraph. In this case, the term "the preceding three paragraphs" in paragraph (4) of the Article is deemed to be replaced with "Article 40, paragraph (1) and the preceding two paragraphs".

(Delivery Obligations of a Person Undertaking the Disposal of Class I Specified Products)

Article 41 A manager of class I specified products that intends to undertake the disposal, etc. of class I specified products (hereinafter referred to as a "person undertaking the disposal, etc. of class I specified products") must deliver the fluorocarbons with which the class I specified products are filled as a refrigerant to a class I fluorocarbon filling and recovery operator itself or by entrusting the delivery to another person.

(Confirmation and Explanation by Primary Contractors for Specific Demolition Work)

Article 42 (1) A person engaged in construction business (meaning the construction business prescribed in Article 2, paragraph (2) of the Construction Business Act (Act No. 100 of 1949)) and intending to conclude a contract for construction work directly with a manager of class I specified products that intends to place an order for construction work (excluding construction work for which the manager of class I specified products has been contracted by another person) to demolish all or part of a building or other structure (excluding any building or other structure in which class I specified products are clearly not in place) (the manager of class I specified products intending to place such an order is hereinafter referred to as a "party ordering the specific demolition work" in this Article and Article 100, paragraph (1), item (i)) (the person intending to conclude a contract for such work is hereinafter referred to as a "primary contractor for the specific demolition work") must confirm whether class I specified products are in place in such building or other structure, and explain the results of the confirmation to the party ordering the specific demolition work by delivering documents containing the matters specified by order of the competent ministry.

(2) In a case referred to in the preceding paragraph, the party ordering the specific demolition work must cooperate with the primary contractor for the specific demolition work in confirming whether class I specified products are in place.

(Delivery of a Document by a Person Undertaking the Disposal of Class I Specified Products)

- Article 43 (1) If a person undertaking the disposal, etc. of class I specified products delivers fluorocarbons with which its class I specified products are filled as a refrigerant to a class I fluorocarbon filling and recovery operator itself, it must deliver a document containing the following information to the class I fluorocarbon filling and recovery operator, pursuant to the provisions of an order of the competent ministry:
- (i) the name and address of the person undertaking the disposal, etc. of class I specified products;
 - (ii) the type and quantity of the class I specified products filled with the fluorocarbons to be delivered;
 - (iii) the name and address of the class I fluorocarbon filling and recovery operator to which the fluorocarbons will be delivered; and
 - (iv) other matters specified by an order of the competent ministry.
- (2) If a person undertaking the disposal, etc. of class I specified products entrusts another person with the delivery to a class I fluorocarbon filling and recovery operator of fluorocarbons with which its class I specified products are filled as a refrigerant (except when, in the case of the transport of class I specified products related to the fluorocarbons in order to deliver the fluorocarbons, the person undertaking the disposal, etc. of class I specified products only entrusts the transport of the class I specified products), and has concluded a contract entrusting the delivery, the person must deliver a document containing the following information (hereinafter referred to as a "written confirmation of entrustment" in this Article and paragraph (1) of the following Article) to the person entrusted with the delivery, without delay, pursuant to the provisions of an order of the competent ministry:
- (i) the name and address of the person undertaking the disposal, etc. of class I specified products;
 - (ii) the type and quantity of the class I specified products filled with the fluorocarbons to be delivered;
 - (iii) the name and address of the person entrusted with the delivery; and
 - (iv) other matters specified by order of the competent ministry.
- (3) When a person undertaking the disposal, etc. of class I specified products delivers a document pursuant to the provisions of paragraph (1) or a written confirmation of entrustment pursuant to the provisions of the preceding paragraph, the person must retain a copy of the document or of the written confirmation of entrustment for the period specified by order of the competent ministry from the date of delivery.
- (4) If a person to which a person undertaking the disposal, etc. of class I specified products entrusts the delivery to a class I fluorocarbon filling and recovery operator of fluorocarbons with which class I specified products are filled as a refrigerant (including any other persons to whom an already-entrusted delivery

of fluorocarbons to a class I fluorocarbon filling and recovery operator is subsequently further entrusted; hereinafter referred to as a "person entrusted with the delivery of class I fluorocarbons") intends to further entrust that delivery of fluorocarbons (except when, in the case of the transport of class I specified products related to the fluorocarbons in order to deliver the fluorocarbons, the person only entrusts the transport of the class I specified products), the person must clearly explain the name and address of the person to which the delivery will be further entrusted to the person undertaking the disposal, etc. of class I specified products, and receive in advance a document which indicates that the person undertaking the disposal, etc. of class I specified products approves of the further entrustment of the delivery (limited to a document containing the matters specified by order of the competent ministry). In this case, the person undertaking the disposal, etc. of class I specified products or the person entrusted with the delivery of class I fluorocarbons must retain a copy of the document which it has delivered or the document which it has received for the period specified by order of the competent ministry from the day on which it delivered the document or the day on which it received the document.

- (5) When a person entrusted with the delivery of class I fluorocarbons has concluded a contract to further entrust that delivery of fluorocarbons, it must, without delay, enter the name and address of the person to which it has further entrusted the delivery and other matters specified by order of the competent ministry in the written confirmation of entrustment for the fluorocarbons, and circulate the written confirmation of entrustment to the person who has been further entrusted with the delivery, pursuant to the provisions of an order of the competent ministry.
- (6) When a person entrusted with the delivery of class I fluorocarbons delivers the fluorocarbons to a class I fluorocarbon filling and recovery operator, it, must enter the matters specified by an order of the competent ministry in the written confirmation of entrustment for the fluorocarbons, and circulate the written confirmation of entrustment to the class I fluorocarbon filling and recovery operator, pursuant to the provisions of an order of the competent ministry.
- (7) After a person entrusted with the delivery of class I fluorocarbons that circulates a written confirmation of entrustment pursuant to the provisions of the preceding two paragraphs, it must retain a copy of it for the period specified by an order of the competent ministry from the day on which it circulated the copy.

(Collection Obligations of Class I Fluorocarbon Filling and Recovery Operators)
Article 44 (1) When a class I fluorocarbon filling and recovery operator is

requested by a person undertaking the disposal, etc. of class I specified products to collect the fluorocarbons prescribed in Article 41 directly or via a person entrusted with the delivery of class I fluorocarbons, it must collect the fluorocarbons, except when a document has not been delivered pursuant to the provisions of paragraph (1) of the preceding Article, a written confirmation of entrustment has not been circulated pursuant to the provisions of paragraph (6) of the same Article, or when there are other reasonable grounds for not doing so.

- (2) In collecting fluorocarbons pursuant to the provisions of the preceding paragraph, a class I fluorocarbon filling and recovery operator must recover the fluorocarbons in accordance with the standards for recovery of fluorocarbons specified by order of the competent ministry.

(Collection Certificate)

Article 45 (1) When a class I fluorocarbon filling and recovery operator has collected fluorocarbons directly from a person undertaking the disposal, etc. of class I specified products, it must enter the matters specified by order of the competent ministry in a document attesting to the collection of fluorocarbons (hereinafter referred to as a "collection certificate" in this Article), and deliver it to the person undertaking the disposal, etc. of class I specified products, pursuant to the provisions of an order of the competent ministry. In this case, the class I fluorocarbon filling and recovery operator must retain a copy of the collection certificate for the period specified by order of the competent ministry from the day on which it delivered it.

- (2) When a class I fluorocarbon filling and recovery operator has collected fluorocarbons from a person undertaking the disposal, etc. of class I specified products via a person entrusted with the delivery of class I fluorocarbons, it must enter the matters specified by order of the competent ministry in a collection certificate, deliver the collection certificate to the person entrusted with the delivery of class I fluorocarbons pursuant to the provisions of an order of the competent ministry, and send, without delay, a copy of the collection certificate to the person undertaking the disposal, etc. of class I specified products related to the fluorocarbons. In this case, the class I fluorocarbon filling and recovery operator must retain a copy of the collection certificate which it has delivered for the period specified by orders of the competent ministries from the day on which it delivered it.
- (3) If a collection certificate has been delivered to a person undertaking the disposal, etc. of class I specified products pursuant to the provisions of paragraph (1) or a copy of a collection certificate has been sent to a person undertaking the disposal, etc. of class I specified products pursuant to the provisions of the preceding paragraph, the person undertaking the disposal, etc.

of class I specified products must confirm with the collection certificate or the copy of the collection certificate that the delivery of fluorocarbons has been completed, and retain the collection certificate or the copy of the collection certificate for the period specified by order of the competent ministry from the day on which the collection certificate was received by it or the day on which it received the copy of the collection certificate.

- (4) If a collection certificate has not been received by a person undertaking the disposal, etc. of class I specified products pursuant to the provisions of paragraph (1) or a copy of a collection certificate has not been received by a person undertaking the disposal, etc. of class I specified products pursuant to the provisions of paragraph (2) within the period specified by order of the competent ministry, or if a collection certificate or a copy of a collection certificate which does not contain the matters prescribed in paragraph (1) or (2) or a collection certificate or a copy of a collection certificate which contains a false statement has been received by a person undertaking the disposal, etc. of class I specified products, the person undertaking the disposal, etc. of class I specified products must report that fact to the relevant municipal or prefectural governor pursuant to the provisions of an order of the competent ministry.
- (5) When a person entrusted with the delivery of class I fluorocarbons has received a collection certificate pursuant to the provisions of paragraph (2), it must retain the collection certificate for the period specified by order of the competent ministry from the day on which the collection certificate was delivered to it.
- (6) Beyond what is provided for in the preceding paragraphs, necessary matters concerning collection certificates are prescribed by order of the competent ministry.

(Delivery Obligations of Class I Fluorocarbon Filling and Recovery Operators)

Article 46 (1) When a class I fluorocarbon filling and recovery operator has recovered fluorocarbons related to class I specified products pursuant to the provisions of the proviso to Article 39, paragraph (1), and there are fluorocarbons among them other than those with which the class I specified products have been filled again as a refrigerant pursuant to the provisions of the proviso to Article 37, paragraph (1), or when a class I fluorocarbon filling and recovery operator has collected fluorocarbons pursuant to the provisions of Article 39, paragraph (5) or Article 44, paragraph (1), it must deliver the fluorocarbons to a class I fluorocarbon recycling operator or a fluorocarbon destruction operator, except when it recycles the fluorocarbons itself pursuant to the provisions of the proviso to Article 50, paragraph (1) and in other cases specified by order of the competent ministry.

(2) In delivering fluorocarbons pursuant to the provisions of the preceding paragraph, a class I fluorocarbon filling and recovery operator (including a person who is entrusted by the class I fluorocarbon filling and recovery operator to transport fluorocarbons) must transport fluorocarbons in accordance with the standards for transport of fluorocarbons specified by order of the competent ministry.

(Record of Amount Filled and Amount Recovered)

Article 47 (1) Pursuant to the provisions of an order of the competent ministry, a class I fluorocarbon filling and recovery operator must prepare a record of the amount of fluorocarbons with which class I specified products were filled as a refrigerant and the amount of fluorocarbons recovered in the case of the maintenance of class I specified products (excluding the amount of fluorocarbons with which the class I specified products have been filled again as a refrigerant after the recovery; the same applies in paragraph (3)), the amount of fluorocarbons recovered in the case of the disposal, etc. of class I specified products, the amount of fluorocarbons recycled if it engages in class I fluorocarbon recycling operations pursuant to the provisions of the proviso to Article 50, paragraph (1), the amount of fluorocarbons delivered to class I fluorocarbon recycling operators, the amount of fluorocarbons delivered to fluorocarbon destruction operators, and other matters specified by order of the competent ministry, for each type of fluorocarbon, and retain the record at the place of business where it conducts its business operations.

(2) If a class I fluorocarbon filling and recovery operator has received a request from a manager of class I specified products who ordered the maintenance of class I specified products, a class I specified products maintenance operator, a person undertaking the disposal, etc. of class I specified products or a person entrusted with the delivery of class I fluorocarbons to inspect their records maintained pursuant to the provisions of the preceding paragraph, the class I fluorocarbon filling and recovery operator must not refuse the request without reasonable grounds.

(3) Pursuant to the provisions of an order of the competent ministry, a class I fluorocarbon filling and recovery operator must report, every fiscal year, to the relevant municipal or prefectural governor the amount of fluorocarbons with which class I specified products were filled as a refrigerant and the amount of fluorocarbons recovered in the case of the maintenance of class I specified products, the amount of fluorocarbons recovered in the case of the disposal, etc. of class I specified products, the amount of fluorocarbons recycled if it engages in class I fluorocarbon recycling operations pursuant to the provisions of the proviso to Article 50, paragraph (1), the amount of fluorocarbons delivered to class I fluorocarbon recycling operators and the amount of fluorocarbons

delivered to fluorocarbon destruction operators in the preceding fiscal year, and other matters specified by order of the competent ministry, for each type of fluorocarbon.

- (4) When the relevant municipal or prefectural governor has received a report pursuant to the provisions of the preceding paragraph, the governor must notify the competent ministers of the reported matters, pursuant to the provisions of orders of the competent ministries.

(Guidance and Advice)

Article 48 If the relevant municipal or prefectural governor finds it necessary to ensure that the entrustment of filling of class I specified products with fluorocarbons pursuant to the provisions of the main clause of Article 37, paragraph (1), the entrustment of recovery of fluorocarbons pursuant to the provisions of the main clause of Article 39, paragraph (1), the delivery of fluorocarbons pursuant to the provisions of paragraph (4) of the Article, Article 41, or Article 46, paragraph (1), the collection of fluorocarbons pursuant to the provisions of Article 39, paragraph (5), or Article 44, paragraph (1), or the confirmation and explanation pursuant to the provisions of Article 42, paragraph (1) are appropriately conducted, they may provide a class I specified products maintenance operator, a person undertaking the disposal, etc. of class I specified products, a primary contractor for specific demolition work or a class I fluorocarbon filling and recovery operator with necessary guidance and advice on the entrustment of filling or entrustment of recovery, or on the delivery, collection, or confirmation and explanation.

(Recommendations and Orders)

- Article 49 (1) If the relevant municipal or prefectural governor finds that a class I specified products maintenance operator or a class I fluorocarbon filling and recovery operator has failed to comply with the provisions of Article 37, paragraph (2) or (4), or Article 39, paragraph (2) or (6), the governor may recommend that it take necessary measures.
- (2) If the relevant municipal or prefectural governor finds that a class I fluorocarbon filling and recovery operator has failed to comply with the provisions of Article 38, paragraph (1) or Article 40, paragraph (1) upon its registration pursuant those provisions, the governor may recommend that the class I fluorocarbon filling and recovery operator take necessary measures.
- (3) If the relevant municipal or prefectural governor finds that a person undertaking the disposal, etc. of class I specified products or a person entrusted with the delivery of class I fluorocarbons has failed to comply with the provisions of Article 43, the governor may recommend that it take necessary measures.

- (4) If the relevant municipal or prefectural governor finds that a person undertaking the disposal, etc. of class I specified products, a person entrusted with the delivery of class I fluorocarbons, or a class I fluorocarbon filling and recovery operator has failed to comply with the provisions of Article 45, paragraphs (1) through (5), the governor may recommend that it take necessary measures.
- (5) If a municipal prefectural governor finds that a class I fluorocarbon filling and recovery operator has failed to comply with the standards for filling of class I specified products with fluorocarbons prescribed in Article 37, paragraph (3) or the standards for collection of fluorocarbons prescribed in Article 44, paragraph (2), or that a class I fluorocarbon filling and recovery operator (including a person who is entrusted by the class I fluorocarbon filling and recovery operator to transport fluorocarbons; hereinafter the same applies in this paragraph) has failed to comply with the standards for transport of fluorocarbons prescribed in Article 46, paragraph (2), the governor may recommend that the class I fluorocarbon filling and recovery operator comply with the standards within the time limit set by the governor.
- (6) The relevant municipal or prefectural governor may recommend that a class I specified products maintenance operator, person undertaking the disposal, etc. of class I specified products or class I fluorocarbon filling and recovery operator that fails to engage in the entrustment of filling or entrustment of recovery, or in the delivery or collection prescribed in the preceding Article without reasonable grounds engage in the entrustment of filling or entrustment of collection, or in the delivery or collection within the time limit set by the governor.
- (7) If a class I specified products maintenance operator, a person undertaking the disposal, etc. of class I specified products, person entrusted with the delivery of class I fluorocarbons, or class I fluorocarbon filling and recovery operator that has received a recommendation pursuant to the provisions of the preceding paragraphs fails to take the recommended measures without reasonable grounds, the municipal or prefectural governor may order it to take the recommended measures.

Section 3 Recycling of Fluorocarbons Recovered from Class I Specified Products

(License Granted to Class I Fluorocarbon Recycling Operators)

Article 50 (1) A person intending to engage in class I fluorocarbon recycling operations must obtain a license from the competent ministers for each place of business where the person will conduct its business operations; provided, however, that this does not apply if a class I fluorocarbon filling and recovery

operator engages in class I fluorocarbon recycling operations through facilities or equipment used for recycling of fluorocarbons (hereinafter referred to as "class I fluorocarbon recycling facilities, etc.") and specified by orders of the competent ministries, pursuant to the provisions of orders of the competent ministries.

- (2) A person seeking a license set forth in the preceding paragraph must submit an application containing the following information to the competent ministers, with the documents specified by orders of the competent ministries appended thereto, pursuant to the provisions of orders of the competent ministries:
- (i) the person's name and address and, if it is a corporation, the name of its representative;
 - (ii) the name and location of the place of business;
 - (iii) the type of fluorocarbons which the person intends to recycle;
 - (iv) the type, quantity, structure, and recycling capacity of class I fluorocarbon recycling facilities, etc.;
 - (v) the method of use and management of class I fluorocarbon recycling facilities, etc.; and
 - (vi) other matters specified by order of the competent ministry.

(Standards for License)

Article 51 A competent minister may not grant a license set forth in paragraph (1) of the preceding Article unless the minister finds that the application for the license set forth in the same paragraph conforms to the following items:

- (i) the matters set forth in paragraph (2), items (iv) and (v) of the preceding Article which relate to the application conform to the standards for the structure, recycling capacity, or use and management of class I fluorocarbon recycling facilities, etc. specified by order of the competent ministry; and
- (ii) the applicant does not fall under any of the following:
 - (a) an adult ward, a person under curatorship, or a person who has been subject to an order of commencement of bankruptcy proceedings and whose rights have not been restored;
 - (b) a person who has been sentenced to a fine or more severe punishment for violating the provisions of this Act, provisions of the End-of-Life Vehicles Recycling Act or a disposition pursuant to these provisions, provided that two years have not elapsed since the day on which the person completed the payment of the fine or finished serving the sentence or the day on which the person is no longer subject to the execution of the fine or the sentence;
 - (c) a person whose license has been rescinded pursuant to the provisions of Article 55, provided that two years have not elapsed since the day on which the person became subject to the disposition;

- (d) if a class I fluorocarbon recycling operator that is a corporation has had its license rescinded pursuant to the provisions of Article 55, a person who, within thirty days before the day on which the corporation became subject to the disposition, was an officer of the class I fluorocarbon recycling operator, provided that two years have not elapsed since the day on which the corporation became subject to the disposition;
- (e) a person who has been ordered to suspend business pursuant to the provisions of Article 55, provided that the period of suspension has not elapsed; or
- (f) a corporation with an officer who falls under any of items (a) through (e).

(Renewal of License)

Article 52 (1) Unless a license referred to in Article 50, paragraph (1) is renewed every five years, it ceases to be effective upon the expiration of the relevant five-year period.

- (2) The provisions of Article 50, paragraph (2) and the preceding Article apply mutatis mutandis to the renewal set forth in the preceding paragraph.
- (3) If an application has been submitted for renewal referred to in paragraph (1), and no disposition has been made on the application by the day on which the period referred to in the paragraph (hereinafter referred to as the "effective period of the license" in this Article) expires, the previous license remains in effect until a disposition is made, even after the effective period of the license has expired.
- (4) In a case referred to in the preceding paragraph, if the license is renewed, the effective period of the license is to be calculated from the day following the day on which the previous effective period of the license expired.

(Permission for Changes)

Article 53 (1) If a class I fluorocarbon recycling operator intends to change any of the matters set forth in Article 50, paragraph (2), items (iii) through (v), it must obtain permission from the competent ministers, pursuant to the provisions of orders of the competent ministries; provided, however, that this does not apply if the change is a minor one specified by orders of the competent ministries.

- (2) The provisions of Article 51 apply mutatis mutandis to the permission set forth in the preceding paragraph.
- (3) If a minor change specified by orders of the competent ministries as referred to in the proviso to paragraph (1) has occurred, or there has been a change in any of the matters set forth in Article 50, paragraph (2), item (i) or (ii), or other matters specified by orders of the competent ministries, the class I fluorocarbon recycling operator must notify the competent ministers of this fact

within thirty days after the date of change.

(Notification of Discontinuation of Business)

Article 54 (1) If a class I fluorocarbon recycling operator has come to fall under any of the following items, the person specified in the relevant item must notify the competent ministers of this fact within thirty days after the date of occurrence thereof:

- (i) if the class I fluorocarbon recycling operator has died: its successor;
 - (ii) if the class I fluorocarbon recycling operator was a corporation and has been extinguished in a merger: a person who was an officer representing the corporation;
 - (iii) if the class I fluorocarbon recycling operator was a corporation and has been dissolved due to an order of commencement of bankruptcy proceedings: its bankruptcy trustee;
 - (iv) if the class I fluorocarbon recycling operator was a corporation and has been dissolved for reasons other than a merger or an order of commencement of bankruptcy proceedings: its liquidator;
 - (v) if the operations for recycling of fluorocarbons have been discontinued: the individual who was the class I fluorocarbon recycling operator or an officer representing the corporation that was the class I fluorocarbon recycling operator; or
 - (vi) if the class I fluorocarbon recycling operator has suspended its operations for recycling of fluorocarbons or has resumed its suspended operations: the individual who is the class I fluorocarbon recycling operator or an officer representing the corporation who is the class I fluorocarbon recycling operator.
- (2) If a class I fluorocarbon recycling operator falls under any of items (i) through (v) of the preceding paragraph, the license granted to the class I fluorocarbon recycling operator set forth in Article 50, paragraph (1) ceases to be effective.

(Rescission of License)

Article 55 If a class I fluorocarbon recycling operator falls under any of the following items, the competent ministers may rescind its license, or order it to suspend all or part of its business operations for a period set by the ministers not exceeding six months:

- (i) the class I fluorocarbon recycling operator has obtained a license as a class I fluorocarbon recycling operator by wrongful means;
- (ii) the structure, recycling capacity, or method of use and management of its class I fluorocarbon recycling facilities, etc. no longer conform to the standards prescribed in Article 51, item (i);
- (iii) if the class I fluorocarbon recycling operator falls under Article 51, item (ii),

- (a), (b), (d) or (f); or
- (iv) the class I fluorocarbon recycling operator has violated this Act, an order pursuant to this Act or a disposition pursuant to this Act.

(Registry of Class I Fluorocarbon Recycling Operators)

Article 56 The competent ministers must maintain a registry of class I fluorocarbon recycling operators that lists the matters set forth in Article 50, paragraph (2), items (i) through (iii), the license date and the license number, and make the registry available for public inspection.

(Delegation to Orders of Competent Ministries)

Article 57 Beyond what is provided for in Article 50 through the preceding Article, necessary matters concerning licenses granted to class I fluorocarbon recycling operators are prescribed by orders of the competent ministries.

(Recycling Obligation of Class I Fluorocarbon Recycling Operators)

- Article 58 (1) When a class I fluorocarbon recycling operator has collected fluorocarbons from a class I fluorocarbon filling and recovery operator pursuant to the provisions of Article 46, paragraph (1) and recycles the fluorocarbons, it must recycle the fluorocarbons in accordance with the standards for recycling of fluorocarbons specified by order of the competent ministry.
- (2) When a class I fluorocarbon recycling operator has recycled fluorocarbons pursuant to the provisions of the preceding paragraph, and there are fluorocarbons among them which have not been recycled, it must deliver them to a fluorocarbon destruction operator.
- (3) The provisions of Article 46, paragraph (2) apply mutatis mutandis to the delivery of fluorocarbons pursuant to the provisions of the preceding paragraph. In this case, "a class I fluorocarbon filling and recovery operator" in paragraph (2) of the Article is deemed to be replaced with "a class I fluorocarbon recycling operator".

(Recycling Certificate)

Article 59 (1) When a class I fluorocarbon recycling operator has recycled fluorocarbons, it must enter the matters specified by order of the competent ministry in a document attesting to the recycling of fluorocarbons (hereinafter referred to as a "recycling certificate" in this Article), and deliver it to the class I fluorocarbon filling and recovery operator that has collected the fluorocarbons, pursuant to the provisions of an order of the competent ministry. In this case, the class I fluorocarbon recycling operator must retain a copy of the recycling certificate for the period specified by order of the competent ministry from the

day on which it delivered the recycling certificate.

- (2) When a class I fluorocarbon filling and recovery operator has received a recycling certificate pursuant to the provisions of the preceding paragraph, it must circulate the recycling certificate to the person specified in the following items for the categories of cases set forth respectively in those items without delay.. In this case, the class I fluorocarbon filling and recovery operator must retain a copy of the recycling certificate which it circulated for the period specified by order of the competent ministry from the day on which it circulated the recycling certificate:
- (i) if the class I fluorocarbon filling and recovery operator has recovered the fluorocarbons pursuant to the provisions of the proviso to Article 39, paragraph (1): the manager of class I specified products who ordered the maintenance of the class I specified products related to the fluorocarbons;
 - (ii) if the class I fluorocarbon filling and recovery operator has collected the fluorocarbons from a class I specified products maintenance operator pursuant to the provisions of Article 39, paragraph (5): the class I specified products maintenance operator; and
 - (iii) if the class I fluorocarbon filling and recovery operator has collected the fluorocarbons from a person undertaking the disposal, etc. of class I specified products pursuant to the provisions of Article 44, paragraph (1): the person undertaking the disposal, etc. of class I specified products.
- (3) If a recycling certificate has been circulated to a class I specified products maintenance operator pursuant to the provisions of the preceding paragraph, the class I specified products maintenance operator must circulate, without delay, the recycling certificate to the manager of class I specified products who ordered the maintenance of the class I specified products related to fluorocarbons. In this case, the class I specified products maintenance operator must retain a copy of the recycling certificate which it circulated for the period specified by order of the competent ministry from the day on which it circulated it.

(Record of Amount Recycled)

Article 60 (1) Pursuant to the provisions of an order of the competent ministry, a class I fluorocarbon recycling operator must prepare a record of the amount of fluorocarbons recycled, the amount of fluorocarbons delivered to a fluorocarbon destruction operator, and other matters specified by order of the competent ministry, for each type of fluorocarbon, and retain the record at the place of business where it conducts its business operations.

- (2) If a class I fluorocarbon recycling operator has received a request from a manager of class I specified products who ordered the maintenance of class I specified products, a class I specified products maintenance operator, a person

undertaking the disposal, etc. of class I specified products, a person entrusted with the delivery of class I fluorocarbons, or a class I fluorocarbon filling and recovery operator to inspect their records maintained pursuant to the provisions of the preceding paragraph, the class I fluorocarbon recycling operator must not refuse the request without reasonable grounds.

- (3) Pursuant to the provisions of an order of the competent ministry, a class I fluorocarbon recycling operator must, every fiscal year, report to the competent ministers the amount of fluorocarbons recycled and the amount of fluorocarbons delivered to fluorocarbon destruction operators in the previous fiscal year, and other matters specified by orders of the competent ministries, for each type of fluorocarbon.

(Guidance and Advice)

Article 61 If the competent ministers find it necessary to ensure that the delivery of fluorocarbons pursuant to the provisions of Article 58, paragraph (2) is appropriately conducted, they may provide a class I fluorocarbon recycling operator with necessary guidance and advice on the delivery.

(Recommendations and Orders)

- Article 62 (1) If the competent ministers find that a class I fluorocarbon recycling operator has failed to comply with the standards for recycling of fluorocarbons prescribed in Article 58, paragraph (1), they may recommend that the class I fluorocarbon recycling operator comply with the standards within the time limit set by the ministers.
- (2) If the competent ministers find that a class I fluorocarbon recycling operator (including any person entrusted by the class I fluorocarbon recycling operator to transport fluorocarbons; hereinafter the same applies in this paragraph and paragraph (5)) has failed to comply with the standards for transport of fluorocarbons prescribed in Article 46, paragraph (2) as applied *mutatis mutandis* pursuant to Article 58, paragraph (3), the ministers may recommend that the class I fluorocarbon recycling operator comply with the standards within the time limit set by the ministers.
- (3) If the competent ministers find that a class I specified products maintenance operator, a class I fluorocarbon filling and recovery operator, or a class I fluorocarbon recycling operator has failed to comply with the provisions of Article 59, the ministers may recommend that it take necessary measures.
- (4) If a class I fluorocarbon recycling operator fails to conduct the delivery prescribed in the preceding Article without reasonable grounds, the competent ministers may recommend that the class I fluorocarbon recycling operator conduct the delivery within the time limit set by the ministers.
- (5) If a class I specified products maintenance operator, a class I fluorocarbon

filling and recovery operator, or a class I fluorocarbon recycling operator that has received a recommendation pursuant to the provisions of the preceding paragraphs fails to take the recommended measures without reasonable grounds, the competent ministers may order it to take the recommended measures.

Section 4 Destruction of Fluorocarbons

(License Granted to Fluorocarbon Destruction Operators)

Article 63 (1) A person intending to engage in fluorocarbon destruction operations must obtain a license from the competent ministers for each place of business where the person will conduct its business operations.

(2) A person seeking a license as set forth in the preceding paragraph must submit an application containing the following information to the competent ministers, with the documents specified by order of the competent ministries appended thereto, pursuant to the provisions of orders of the competent ministries:

- (i) the person's name and address and, if it is a corporation, the name of its representative;
- (ii) the name and location of the place of business;
- (iii) the type of fluorocarbons which the person intends to destroy;
- (iv) the type, quantity, structure, and destruction capacity of the facilities used for destruction of fluorocarbons (hereinafter referred to as "fluorocarbon destruction facilities");
- (v) the method of use and management of the fluorocarbon destruction facilities; and
- (vi) other matters specified by orders of the competent ministries.

(Standards for License)

Article 64 The competent ministers must not grant a license as set forth in paragraph (1) of the preceding Article unless the minister finds that the application for the license set forth in the same paragraph conforms to the following items:

- (i) the matters set forth in paragraph (2), items (iv) and (v) of the preceding Article which relate to the application conform to the standards for the structure, destruction capacity, or use and management of fluorocarbon destruction facilities specified by orders of the competent ministries; and
- (ii) the applicant does not fall under any of the following:
 - (a) an adult ward, a person under curatorship, or a person who has been subject to an order of commencement of bankruptcy proceedings and whose rights have not been restored;

- (b) a person who has been sentenced to a fine or more severe punishment for violating the provisions of this Act, provisions of the End-of-Life Vehicles Recycling Act, or a disposition pursuant to these provisions, provided that two years have not elapsed since the day on which the person completed the payment of the fine or finished serving the sentence or the day on which the person is no longer subject to the execution of the fine or the sentence;
- (c) a person whose license has been rescinded pursuant to the provisions of Article 67, provided that two years have not elapsed since the day on which the person became subject to the disposition;
- (d) if a fluorocarbon destruction operator that is a corporation has had its license rescinded pursuant to the provisions of Article 67, a person who, within thirty days before the day on which the corporation became subject to the disposition, was an officer of the fluorocarbon destruction operator, provided that two years have not elapsed since the day on which the corporation became subject to the disposition;
- (e) a person who has been ordered to suspend business pursuant to the provisions of Article 67, provided that the period of suspension has not elapsed; or
- (f) a corporation with an officer who falls under any of items (a) through (e).

(Renewal of License)

Article 65 (1) Unless a license set forth in Article 63, paragraph (1) is renewed every five years, it ceases to be effective upon the expiration of the relevant five-year period.

(2) The provisions of Article 63, paragraph (2) and the preceding Article apply mutatis mutandis to the renewal set forth in the preceding paragraph.

(3) If an application has been submitted for renewal as set forth in paragraph (1) and no disposition has been made on the application by the day on which the period set forth in the paragraph (hereinafter referred to as the "effective period of the license" in this Article) expires, the previous license remains in force until a disposition is made, even after the effective period of the license expired.

(4) In any case referred to in the preceding paragraph, if the license is renewed, the effective period of the license is calculated from the day following the day on which the previous effective period of the license expired.

(Permission for Changes)

Article 66 (1) If a fluorocarbon destruction operator intends to change any of the matters set forth in Article 63, paragraph (2), items (iii) through (v), it must obtain permission from the competent ministers, pursuant to the provisions of

orders of the competent ministries; provided, however, that this does not apply if the change is a minor one specified by orders of the competent ministries.

(2) The provisions of Article 64 apply mutatis mutandis to the permission set forth in the preceding paragraph.

(3) If a minor change specified by order of the competent ministry as referred to in the proviso to paragraph (1) has occurred, or there has been a change in any of the matters set forth in Article 63, paragraph (2), item (i) or (ii), or other matters specified by order of the competent ministry, the fluorocarbon destruction operator must notify the competent ministers of this fact within thirty days of the date of change.

(Rescission of License)

Article 67 If a fluorocarbon destruction operator falls under any of the following items, the competent ministers may rescind its license, or order it to suspend all or part of its business operations for a period set by the ministers not exceeding six months:

- (i) the fluorocarbon destruction operator has obtained a license as a fluorocarbon destruction operator by wrongful means;
- (ii) the structure, destruction capacity, or method of use and management of the fluorocarbon destruction facilities no longer conform to the standards prescribed in Article 64, item (i);
- (iii) the fluorocarbon destruction operator falls under Article 64, item (ii), (a), (b), (d) or (f); or
- (iv) the fluorocarbon destruction operator has violated this Act, an order pursuant to this Act, or a disposition pursuant to this Act.

(Application Mutatis Mutandis)

Article 68 The provisions of Articles 54, 56 and 57 apply mutatis mutandis to fluorocarbon destruction operators. In this case, the term "recycling of" in Article 54, paragraph (1), items (v) and (vi) is deemed to be replaced with "destruction of", the term "Article 50, paragraph (1)" in paragraph (2) of the same Article is deemed to be replaced with "Article 63, paragraph (1)", the term "Article 50, paragraph (2), item (i)" in Article 56 is deemed to be replaced with "Article 63, paragraph (2), item (i)", and the term "Article 50" in Article 57 is deemed to be replaced with "Article 63".

(Destruction Obligations of Fluorocarbon Destruction Operators)

Article 69 (1) When a fluorocarbon destruction operator is requested by a class I fluorocarbon filling and recovery operator to collect fluorocarbons pursuant to the provisions of Article 46, paragraph (1), it must collect the fluorocarbons, except when there are reasonable grounds for not doing so.

- (2) When a fluorocarbon destruction operator is requested by a class I fluorocarbon recycling operator to collect fluorocarbons pursuant to the provisions of Article 58, paragraph (2), it must collect the fluorocarbons, except when there are reasonable grounds for not doing so.
- (3) When a fluorocarbon destruction operator receives an offer from a vehicle manufacturer, etc. or a designated recycling organization (meaning a designated recycling organization prescribed in Article 105 of the End-of-Life Vehicles Recycling Act; the same applies in paragraph (5) and Article 71, paragraph (2)) for the entrustment of destruction of fluorocarbons pursuant to the provisions of Article 26, paragraph (1) of the End-of-Life Vehicles Recycling Act, it must not refuse the offer without reasonable grounds.
- (4) When a fluorocarbon destruction operator has collected fluorocarbons pursuant to the provisions of paragraph (1) or (2), or if it has been entrusted with the destruction of fluorocarbons pursuant to the provisions of the preceding paragraph, it must destroy the fluorocarbons in accordance with the standards for destruction of fluorocarbons specified by order of the competent ministry.
- (5) A fluorocarbon destruction operator may request a class I fluorocarbon filling and recovery operator, class I fluorocarbon recycling operator, vehicle manufacturer, etc. or designated recycling organization to pay reasonable fees in relation to the costs required to destroy fluorocarbons pursuant to the provisions of the preceding paragraph. In this case, the class I fluorocarbon filling and recovery operator, the class I fluorocarbon recycling operator, the vehicle manufacturer, etc. or the designated recycling organizations must pay the reasonable fees in response to the request from the fluorocarbon destruction operator.

(Destruction Certificate)

- Article 70 (1) When a fluorocarbon destruction operator has collected fluorocarbons pursuant to the provisions of paragraph (1) of the preceding Article and has destroyed them, it must enter the matters specified by order of the competent ministry in a document attesting to the destruction of fluorocarbons (hereinafter referred to as a "destruction certificate" in this Article), and deliver the destruction certificate to the class I fluorocarbon filling and recovery operator that has collected the fluorocarbons, pursuant to the provisions of an order of the competent ministry. In this case, the fluorocarbon destruction operator must retain a copy of the destruction certificate for the period specified by order of the competent ministry from the date of delivery.
- (2) The provisions of Article 59, paragraphs (2) and (3) apply mutatis mutandis to destruction certificates. In this case, the term "the preceding paragraph" in

paragraph (2) of the Article is deemed to be replaced with "Article 70, paragraph (1)".

(Record of Amount Destroyed)

Article 71 (1) Pursuant to the provisions of an order of the competent ministry, a fluorocarbon destruction operator must prepare a record of the amount of fluorocarbons destroyed and other matters specified by order of the competent ministry, for each type of fluorocarbon, and retain the record at the place of business where it conducts its business operations.

(2) If a fluorocarbon destruction operator has received a request from a manager of class I specified products ordering the maintenance of class I specified products, a class I specified products maintenance operator, a person undertaking the disposal, etc. of class I specified products, a person entrusted with the delivery of class I fluorocarbons, a class I fluorocarbon filling and recovery operator, a class I fluorocarbon recycling operator, a person who has delivered an end-of-life vehicle (meaning an end-of-life vehicle prescribed in Article 2, paragraph (2) of the End-of-Life Vehicles Recycling Act; the same applies in Article 87, item (ii)) to a collection operator, a collection operator, a class II fluorocarbon recovery operator, a vehicle manufacturer, etc. or a designated recycling organization to inspect their records retained pursuant to the provisions of the preceding paragraph, the fluorocarbon destruction operator must not refuse the request without reasonable grounds.

(3) Pursuant to the provisions of an order of the competent ministry, a fluorocarbon destruction operator must report, every fiscal year, to the competent ministers the amount of fluorocarbons destroyed in the previous fiscal year and other matters specified by orders of the competent ministries, for each type of fluorocarbon.

(Guidance and Advice)

Article 72 If the competent ministers find it necessary to ensure the collection of fluorocarbons pursuant to the provisions of Article 69, paragraph (1) or (2), the acceptance of the entrustment of destruction of fluorocarbons pursuant to the provisions of paragraph (3) of the Article, or the destruction of fluorocarbons pursuant to the provisions of paragraph (4) of the Article, the ministers may provide a fluorocarbon destruction operator with necessary guidance and advice on the collection, acceptance of the entrustment of destruction, or destruction.

(Recommendations and Orders)

Article 73 (1) If the competent ministers find that a fluorocarbon destruction operator has failed to comply with the standards for destruction of

fluorocarbons prescribed in Article 69, paragraph (4), they may recommend that the fluorocarbon destruction operator comply with the standards within the time limit set by the ministers.

- (2) If the competent ministers find that a class I specified products maintenance operator, a class I fluorocarbon filling and recovery operator, or a fluorocarbon destruction operator has failed to comply with the provisions of Article 70, paragraph (1) or Article 59, paragraph (2) or (3) as applied *mutatis mutandis* pursuant to paragraph (2) of the Article, the ministers may recommend that it take the necessary measures.
- (3) If a fluorocarbon destruction operator fails to collect fluorocarbons, fails to accept the entrustment of destruction of fluorocarbons, or fails to destroy fluorocarbons as prescribed in the preceding Article without reasonable grounds, the competent ministers may recommend that the fluorocarbon destruction operator collect fluorocarbons, accept the entrustment of destruction of fluorocarbons, or destroy fluorocarbons within the time limit set by the ministers.
- (4) If a class I specified products maintenance operator, a class I fluorocarbon filling and recovery operator, or a fluorocarbon destruction operator that has received a recommendation pursuant to the provisions of the preceding three paragraphs has failed to take the recommended measures without reasonable grounds, the competent ministers may order the fluorocarbon destruction operator to take the recommended measures.

Section 5 Burden of Costs

(Claim for Costs of a Class I Fluorocarbon Filling and Recovery Operator)

Article 74 (1) When a class I fluorocarbon filling and recovery operator intends to accept the entrustment by a class I specified products maintenance operator of the recovery of fluorocarbons prescribed in the main clause of Article 39, paragraph (1), or is requested by a person undertaking the disposal, etc. of class I specified products to collect fluorocarbons as prescribed in Article 41, it may request the class I specified products maintenance operator or the person undertaking the disposal, etc. of class I specified products to pay reasonable fees in relation to the costs required for the recovery of fluorocarbons, transport of fluorocarbons to deliver them to a fluorocarbon destruction operator or a class I fluorocarbon recycling operator, and destruction or recycling of fluorocarbons (hereinafter referred to as the "costs of recovery, etc. of fluorocarbons" in this Article).

- (2) When a class I fluorocarbon filling and recovery operator has requested payment of fees pursuant to the provisions of the preceding paragraph, and is asked by a class I specified products maintenance operator or a person

undertaking the disposal, etc. of class I specified products to explain the fees in relation to the costs of recovery, etc. of fluorocarbons, it must explain to the person asking for the explanation the fees in relation to the costs of recovery, etc. of fluorocarbons and other matters specified by order of the competent ministry.

- (3) A class I specified products maintenance operator or a person undertaking the disposal, etc. of class I specified products is to bear the costs of recovery, etc. of fluorocarbons by paying reasonable fees in response to the request of a class I fluorocarbon filling and recovery operator pursuant to the provisions of paragraph (1).
- (4) When a class I specified products maintenance operator has paid fees pursuant to the provisions of the preceding paragraph, it may request the person ordering the maintenance of the relevant class I specified products to pay an amount equivalent to the amount of the fees.
- (5) When a class I specified products maintenance operator has recovered fluorocarbons itself pursuant to the provisions of the proviso to Article 39, paragraph (1), it may request the manager of class I specified products who ordered the maintenance of the class I specified products to pay reasonable fees in relation to the costs of recovery, etc. of fluorocarbons.
- (6) A person ordering the maintenance of class I specified products is to bear the costs of recovery, etc. of fluorocarbons by making payments in response to the request of a class I specified products maintenance operator pursuant to the provisions of the preceding two paragraphs.

(Claim for Costs of a Class I Fluorocarbon Recycling Operator)

Article 75 (1) A class I fluorocarbon recycling operator may request a class I fluorocarbon filling and recovery operator to pay reasonable fees in relation to the costs required to recycle fluorocarbons pursuant to the provisions of Article 58, paragraph (1). In this case, the class I fluorocarbon filling and recovery operator is to pay reasonable fees in response to the request of the class I fluorocarbon recycling operator.

- (2) When a class I fluorocarbon recycling operator or a fluorocarbon destruction operator is requested by a class I fluorocarbon filling and recovery operator to quote fees payable by the class I fluorocarbon filling and recovery operator upon delivery of fluorocarbons pursuant to the provisions of Article 46, paragraph (1), it must respond to the request without delay.

Section 6 Information Processing Center

(Designation)

Article 76 (1) The competent ministers may designate a general incorporated

association or a general incorporated foundation that is found to be able to perform operations prescribed in the following Article appropriately and securely as an information processing center upon receiving an application therefrom.

- (2) Upon designation pursuant to the provisions of the preceding paragraph, the competent ministers must give public notice of the name, address, and location of the office of the information processing center.
- (3) If an information processing center intends to change its name or address or the location of its office, it must notify the competent ministers of this fact in advance.
- (4) If the competent ministers have received a notification pursuant to the provisions of the preceding paragraph, they must give public notice of the matters related to the notification.

(Operations)

Article 77 An information processing center is to perform the following operations:

- (i) processing of work related to registrations pursuant to the provisions of Article 38, paragraph (1) and Article 40, paragraph (1) (hereinafter referred to as "registration work" in the following item) by means of an electronic data processing system;
- (ii) use and management of computers or other equipment necessary to process registration work by means of an electronic data processing system, and preparation and storage of programs, data, files, etc.;
- (iii) giving of notice pursuant to the provisions of Article 38, paragraph (2) (including when applied mutatis mutandis pursuant to Article 40, paragraph (2)), and recording and retention of information pursuant to the provisions of Article 38, paragraph (3) (including when applied mutatis mutandis pursuant to Article 40, paragraph (2)); and
- (iv) performance of operations incidental to the operations set forth in the preceding three items.

(Rules of Operations)

Article 78 (1) If an information processing center performs any of the operations set forth in the items of the preceding Article (hereinafter referred to as "information processing operations"), it must establish rules for information processing operations with regard to matters concerning the methods of performance of and the fees for use of information processing operations and other matters specified by an order of the competent ministry (hereinafter referred to as the "rules of operations" in the following paragraph and Article 85, paragraph (1), item (iii)) before commencing the operations, and obtain

approval from the competent ministers. The same applies to cases where changes are made to the rules of operations.

- (2) If the competent ministers find that the rules of operations to which the ministers have given approval referred to in the preceding paragraph have become inappropriate to perform information processing operations appropriately and securely, the ministers may order that the rules of operations be changed.

(Business Plan)

Article 79 (1) Each fiscal year, an information processing center must prepare a business plan document and an income and expenditure budget for information processing operations, and obtain approval from the competent ministers pursuant to the provisions of orders of the competent ministries. The same applies to cases where changes are made to the document or budget.

- (2) After the end of each fiscal year, an information processing center must prepare a business report and an income and expenditure statement for information processing operations, and submit them to the competent ministers pursuant to the provisions of orders of the competent ministries.

(Suspension or Abolition of Operations)

Article 80 An information processing center must not suspend or abolish the whole or part of its information processing operations without obtaining permission from the competent ministers.

(Confidentiality Obligation)

Article 81 A person who is or was an officer or employee of an information processing center must not divulge any secret which has been obtained in connection with information processing operations.

(Books)

Article 82 An information processing center must keep books, enter matters specified by order of the competent ministry with regard to information processing operations in the books, and retain the books pursuant to the provisions of an order of the competent ministry.

(Reports and On-Site Inspections)

Article 83 (1) The competent ministers may, to the extent necessary to ensure appropriate operation of information processing operations, have an information processing center make necessary reports concerning the status of information processing operations or assets, or have an official of the ministry enter the office of the information processing center and inspect the status of

information processing operations, or books, documents or other objects.

- (2) An official who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry the official's identification card and present it to the people concerned.
- (3) The authority to conduct on-site inspections pursuant to the provisions of paragraph (1) must not be construed as having been granted for criminal investigations.

(Supervision Order)

Article 84 The competent ministers may, to the extent necessary to enforce the provisions of this Section, give an information processing center orders necessary for supervision with regard to information processing operations.

(Rescission of Designation)

Article 85 (1) If an information processing center falls under any of the following items, the competent ministers may rescind its designation pursuant to the provisions of Article 76, paragraph (1) (hereinafter referred to as "designation" in this Article):

- (i) the information processing center is found to be unable to perform information processing operations appropriately and securely;
 - (ii) the information processing center has committed a wrongful act in connection with the designation; or
 - (iii) the information processing center has violated any of the provisions of this Section, or an order or disposition pursuant to the provisions, or has performed information processing operations not in accordance with the rules of operations approved pursuant to the provisions of Article 78, paragraph 1.
- (2) When a competent minister has rescinded a designation pursuant to the provisions of the preceding paragraph, the minister must give public notice of that fact.

Chapter IV Miscellaneous Provisions

(Prohibition on Release of Fluorocarbons)

Article 86 No person may release fluorocarbons with which specified products are filled as a refrigerant into the atmosphere without good reason.

(Indication of Prohibition on Release of Fluorocarbons)

Article 87 Manufacturers, etc. of specified products must indicate thereon conspicuously and in a way in which the indication will not be easily extinguished the following matters with regard to fluorocarbons with which the specified products are filled as a refrigerant, by the time of sale of the specified

products:

- (i) the fact that the fluorocarbons may not be released into the atmosphere without good reason;
- (ii) the fact that the fluorocarbons need to be recovered upon disposal, etc. of the specified products (if the specified products are class I specified products, upon disposal, etc. of the class I specified products, or if the specified products are class II specified products, upon delivery to a collection operator of end-of-life vehicles equipped with the class II specified products);
- (iii) the type and quantity of the fluorocarbons; and
- (iv) other matters specified by order of the competent ministry.

(Matters to be Observed upon Maintenance of Vehicles Equipped with Class II Specified Products)

Article 88 A person who recovers or transports fluorocarbons with which class II specified products are filled as a refrigerant during maintenance of vehicles (meaning vehicles prescribed in Article 2, paragraph (1) of the End-of-Life Vehicles Recycling Act; the same applies in Article 93 and Article 100, paragraph (1), item (i)) equipped with the class II specified products must comply with the standards for recovery or transport of fluorocarbons specified by order of the competent ministry when it engages in the recovery or transport of the fluorocarbons.

(Relation with the End-of-Life Vehicles Recycling Act)

Article 89 Beyond what is provided for in this Act, the recovery and destruction of fluorocarbons used in class II specified products are governed by the End-of-Life Vehicles Recycling Act.

(Request by Competent Minister for Cooperation from Manufacturers of Fluorocarbons)

Article 90 The competent ministers are to endeavor to request cooperation from manufacturers, etc. of fluorocarbons, designated products, or specified products that is necessary to promote, in accordance with the responsibility prescribed in Article 4, the provision of technical knowledge of fluorocarbons, designated products and specified products, the promotion of awareness of and spread of knowledge regarding appropriate management of fluorocarbons used in specified products, and the rational use of fluorocarbons and the appropriate management of fluorocarbons used in specified products, in connection with measures which the national government takes in accordance with its responsibility prescribed in Article 7 and measures which the national government takes pursuant to the provisions of Articles 97 and 98.

(Collection of Reports)

Article 91 The competent minister or ministers, or the relevant municipal or prefectural governor may, to the extent necessary for the enforcement of this Act, request a manufacturer, etc. of fluorocarbons or designated products, a manager of class I specified products, a class I specified products maintenance operator, an information processing center, a person undertaking the disposal, etc. of class I specified products, a person entrusted with the delivery of class I fluorocarbons, a class I fluorocarbon filling and recovery operator (including a person who is entrusted by a class I fluorocarbon filling and recovery operator to transport fluorocarbons; the same applies in paragraph (1) of the following Article and Article 93), a class I fluorocarbon recycling operator (including a person who is entrusted by a class I fluorocarbon recycling operator to transport fluorocarbons; the same applies in paragraph (1) of the following Article and Article 93) or a fluorocarbon destruction operator to report such matters as the status of the operations of manufacture, etc. of fluorocarbons or designated products or the status of the appropriate management of fluorocarbons used in specified products, pursuant to the provisions of a Cabinet Order.

(On-Site Inspections)

Article 92 (1) The competent minister, or ministers, or the relevant municipal or prefectural governor may, to the extent necessary for the enforcement of this Act, have officials of the ministry, or of the municipality or prefecture, enter the offices or places of business of a manufacturer, etc. of fluorocarbons or designated products, a manager of class I specified products, a class I specified products maintenance operator, a person undertaking the disposal, etc. of class I specified products, a person entrusted with the delivery of class I fluorocarbons, a class I fluorocarbon filling and recovery operator, a class I fluorocarbon recycling operator, or a fluorocarbon destruction operator, places where class I specified products are in place, or places where the operations of filling class I specified products with, or recovery or recycling of fluorocarbons, are performed, inspect books, documents and other objects and remove samples to the minimum extent necessary for tests without compensation, pursuant to the provisions of a Cabinet Order.

(2) An official who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry the official's identification card and present it to the people concerned.

(3) The authority to conduct on-site inspections and removals pursuant to the provisions of paragraph (1) must not be interpreted as having been granted for criminal investigations.

(Request for Submission of Materials)

Article 93 If the competent minister or ministers find it necessary to achieve the purpose of this Act, the minister may request the relevant municipal or prefectural governor, a manufacturer, etc. of fluorocarbons or designated products, a manager of class I specified products, a class I specified products maintenance operator, a person undertaking the disposal, etc. of class I specified products, a person entrusted with the delivery of class I fluorocarbons, a class I fluorocarbon filling and recovery operator, a class I fluorocarbon recycling operator, a fluorocarbon destruction operator, a primary contractor for specific demolition work, or a person who maintains vehicles equipped with class II specified products to submit necessary materials and provide necessary explanations.

(Publication of Information on Fluorocarbons)

Article 94 The competent ministers are to organize matters related to notices pursuant to the provisions of Article 47, paragraph (4) or reports pursuant to the provisions of Article 60, paragraph (3) and Article 71, paragraph (3), and other information collected pursuant to the provisions of this Act, and publicize the status of filling class I specified products with, and recovery, recycling and destruction of, fluorocarbons related to specified products and other information concerning fluorocarbons.

(Request by the Minister of the Environment for Investigation of Class I Fluorocarbon Recycling Operators)

Article 95 (1) If a class I fluorocarbon recycling operator has violated any laws or regulations aimed exclusively at protecting the environment during the recycling of fluorocarbons or other handling of fluorocarbons, the Minister of the Environment may request the competent minister to investigate whether the class I fluorocarbon recycling operator has violated the standards for recycling of fluorocarbons prescribed in Article 58, paragraph (1).

(2) If a fluorocarbon destruction operator has violated any laws or regulations aimed exclusively at protecting the environment during the destruction of fluorocarbons or other handling of fluorocarbons, the Minister of the Environment may request the competent minister to investigate whether the fluorocarbon destruction operator has violated the standards for destruction of fluorocarbons prescribed in Article 69, paragraph (4).

(Assistance of the National Government)

Article 96 The national government is to endeavor to secure funds and give technical advice or other assistance that are necessary to promote the rational use of fluorocarbons and the appropriate management of fluorocarbons used in

specified products.

(Promotion of Education and Study)

Article 97 (1) In view of the fact that it is essential to obtain the understanding and cooperation of business operators and the people in order to reduce emissions of fluorocarbons into the atmosphere by promoting the rational use of fluorocarbons and the appropriate management of fluorocarbons used in specified products, the national government is to take necessary measures to promote education and study regarding, and enhance public relations campaigns for the promotion of, the rational use of fluorocarbons and the appropriate management of fluorocarbons used in specified products.

(2) The national government is to take necessary measures to promote activities which business operators, the people or associations organized by them conduct voluntarily, and which contribute to the rational use of fluorocarbons and the appropriate management of fluorocarbons used in specified products.

(Promotion of Research and Development)

Article 98 The national government is to take necessary measures to promote and spread the results of research and development of substances alternative to fluorocarbons, and other research and development of technologies related to the rational use of fluorocarbons, research and development of technologies related to the appropriate management of fluorocarbons used in specified products and other research and development to avoid obstacles to environmental conservation related to fluorocarbons.

(Promotion of Information Exchange)

Article 99 In order to facilitate work to be performed by municipal or prefectural governors pursuant to the provisions of this Act, the national government is to endeavor to promote information exchange between the national government and municipalities or prefectures, and among municipalities or prefectures, and take necessary measures in accordance with the status of the work.

(Competent Ministers)

Article 100 (1) "Competent ministers" as used in this Act refers to the Minister of the Environment and the Minister of Economy, Trade and Industry; provided, however, that, with regard to matters set forth in the following items, the competent ministers are the ministers specified in the relevant item:

(i) matters in the guidelines prescribed in Article 3 related to parties ordering specific demolition work and primary contractors for specific demolition work, related to the maintenance of vehicles equipped with class II specified products, and concerning requests for submission of materials pursuant to

the provisions of Article 93 in connection with primary contractors for specific demolition work and persons that engage in the maintenance of vehicles equipped with class II specified products: the Minister of the Environment, the Minister of Economy, Trade and Industry, and the Minister of Land, Infrastructure, Transport and Tourism;

(ii) matters concerning the establishment of standards for judgment pursuant to the provisions of Article 9, paragraph (1), changes in standards prescribed in Article 9, paragraph (2), guidance and advice prescribed in Article 10, recommendations prescribed in Article 11, paragraph (1), publication pursuant to the provisions of Article 11, paragraph (2), orders pursuant to the provisions of Article 11, paragraph (3), collection of reports pursuant to the provisions of Article 91, on-site inspections pursuant to the provisions of Article 92, paragraph (1), and requests for submission of materials pursuant to the provisions of Article 93 (limited to those for the purpose of enforcing the provisions of Chapter II, Section 1): the Minister of Economy, Trade and Industry;

(iii) matters concerning the establishment of standards for judgment pursuant to the provisions of Article 12, paragraph (1), changes in those standards prescribed in Article 12, paragraph (2), recommendations prescribed in Article 13, paragraph (1), publication pursuant to the provisions of Article 11, paragraph (2) as applied *mutatis mutandis* pursuant to Article 13, paragraph (2), orders pursuant to the provisions of Article 11, paragraph (3) as applied *mutatis mutandis* pursuant to Article 13, paragraph (2), public notice pursuant to the provisions of Article 14, recommendations prescribed in Article 15, paragraph (1), publication pursuant to the provisions of Article 11, paragraph (2) as applied *mutatis mutandis* pursuant to Article 15, paragraph (2), orders pursuant to the provisions of Article 11, paragraph (3) as applied *mutatis mutandis* pursuant to Article 15, paragraph (2), collection of reports pursuant to the provisions of Article 91, on-site inspections pursuant to the provisions of Article 92, paragraph (1), and requests for submission of materials pursuant to the provisions of Article 93 (limited to those for the purpose of enforcing the provisions of Chapter II, Section 2): the ministers with jurisdiction over the business of manufacture, etc. of specified products conducted by manufacturers, etc. of the relevant specified products; and

(iv) matters concerning requests pursuant to the provisions of Article 21, paragraph (1), disclosure pursuant to the provisions of Article 22, and technical advice, etc. pursuant to the provisions of Article 24, and matters prescribed in Article 26, paragraph 2: the Minister of the Environment, the Minister of Economy, Trade and Industry, and the ministers with jurisdiction over the business.

(2) "order of the competent ministry" as used in this Act refers to an order issued

by the Minister of the Environment or the Minister of Economy, Trade and Industry; provided, however, that the orders of the competent ministries set forth in the following items are as prescribed in those items:

- (i) order of the competent ministry referred to in Article 11, paragraph (1): an order issued by the Minister of Economy, Trade and Industry;
- (ii) order of the competent ministry referred to in Article 13, paragraph (1): an order issued by the minister with jurisdiction over the business of manufacture, etc. of the relevant specified products;
- (iii) order of the competent ministry referred to in Article 19, paragraphs (1) and (2), Article 23, paragraph (1), and Article 26: an order issued by the Minister of the Environment, the Minister of Economy, Trade and Industry, or a minister with jurisdiction over the business; and
- (iv) order of the competent ministry referred to in Article 42, paragraph (1) and Article 88: an order issued by the Minister of the Environment, the Minister of Economy, Trade and Industry, or the Minister of Land, Infrastructure and Transport.

(Delegation of Authority)

Article 101 (1) The authority of a competent minister prescribed in this Act may be delegated to the heads of local branch offices of the competent ministry pursuant to the provisions of a Cabinet Order.

(2) Part of the work which is under the authority of a municipal or prefectural governor pursuant to the provisions of this Act (excluding work prescribed in Chapter III, Sections 1 and 2) may be performed by the head of a municipality specified by Cabinet Order pursuant to the provisions of a Cabinet Order.

(Transitional Measures)

Article 102 If an order is established, changed or abolished pursuant to the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be established within the scope which is considered reasonably necessary in conjunction with the establishment, change or abolition.

Chapter V Penal Provisions

Article 103 A person falling under any of the following items is subject to punishment by imprisonment for a period of not more than one year or a fine of not more than 500,000 yen:

- (i) a person who has filled class I specified products with fluorocarbons or recovered fluorocarbons in the course of trade without a registration in violation of the provisions of Article 27, paragraph (1);

- (ii) a person who has been registered pursuant to the provisions of Article 27, paragraph (1) (including the renewal of registration referred to in Article 30, paragraph (1)) by wrongful means;
- (iii) a person who has violated an order to suspend business pursuant to the provisions of Article 35, paragraph (1);
- (iv) a person who has recycled fluorocarbons in the course of trade without a license in violation of the provisions of Article 50, paragraph (1);
- (v) a person who has been licensed pursuant to the provisions of Article 50, paragraph (1) (including the renewal of license referred to in Article 52, paragraph (1)) by wrongful means;
- (vi) a person who has changed any of the matters set forth in Article 50, paragraph (2), items (iii) through (v) in violation of the provisions of Article 53, paragraph (1);
- (vii) a person who has violated an order to suspend business pursuant to the provisions of Article 55;
- (viii) a person who has destroyed fluorocarbons in the course of trade without a license in violation of the provisions of Article 63, paragraph (1);
- (ix) a person who has been licensed pursuant to the provisions of Article 63, paragraph (1) (including the renewal of license referred to in Article 65, paragraph (1)) by wrongful means;
- (x) a person who has changed any of the matters set forth in Article 63, paragraph (2), items (iii) through (v) in violation of the provisions of Article 66, paragraph (1);
- (xi) a person who has violated an order to suspend business pursuant to the provisions of Article 67;
- (xii) a person who has violated the provisions of Article 81; and
- (xiii) a person who has released fluorocarbons with which specified products are filled as a refrigerant into the atmosphere in violation of the provisions of Article 86.

Article 104 A person who has violated an order which was made pursuant to the provisions of Article 11, paragraph (3) (including when applied *mutatis mutandis* pursuant to Article 13, paragraph (2) and Article 15, paragraph (2)), Article 18, paragraph (3), Article 49, paragraph (7), Article 62, paragraph (5) or Article 73, paragraph (4) is subject to punishment by a fine of not more than 500,000 yen.

Article 105 A person who has failed to submit a notification required by the provisions of Article 31, paragraph (1), Article 53, paragraph (3), or Article 66, paragraph (3), or that has submitted a false notification is subject to punishment by a fine of not more than 300,000 yen.

Article 106 In the case of any of the following items, an officer or employee of an information processing center who has committed the violation is subject to punishment by a fine of not more than 300,000 yen:

- (i) the officer or employee has abolished all information processing operations without obtaining the permission referred to in Article 80;
- (ii) the officer or employee has failed to make entries in the books required by the provisions of Article 82, has made a false statement therein, or has failed to retain the books;
- (iii) the officer or employee has failed to make a report pursuant to the provisions of Article 83, paragraph (1) or Article 91, or has made a false report; or
- (iv) the officer or employee has refused, obstructed or avoided an inspection conducted pursuant to the provisions of Article 83, paragraph (1).

Article 107 A person falling under any of the following items is subject to punishment by a fine of not more than 200,000 yen:

- (i) a person who has failed to prepare a record, has prepared a false record, or has failed to retain a record in violation of the provisions of Article 47, paragraph (1), Article 60, paragraph (1) or Article 71, paragraph (1);
- (ii) a person who has failed to submit a report pursuant to the provisions of Article 47, paragraph (3), Article 60, paragraph (3), Article 71, paragraph (3), or Article 91 (excluding a portion related to an information processing center), or has submitted a false report; or
- (iii) a person who has refused, obstructed or avoided an inspection or removal conducted pursuant to the provisions of Article 92, paragraph (1).

Article 108 If the representative of a corporation, or an agent, employee or other worker of a corporation or an individual has violated the provisions of Article 103 (excluding item (xii)), Article 104, Article 105 or the preceding Article with regard to the operations of the corporation or individual, the offender is subject to punishment by criminal sanctions prescribed in the respective Articles, and the corporation or individual is subject to punishment by the fine prescribed in the respective Articles.

Article 109 A person falling under any of the following items is subject to punishment by a non-criminal fine of not more than 100,000 yen:

- (i) a person who has failed to submit a report pursuant by the provisions of Article 19, paragraph (1), or has submitted a false report;
- (ii) a person who has failed to submit a notification pursuant to the provisions of Article 33, paragraph (1) or Article 54, paragraph (1) (including when

- applied mutatis mutandis pursuant to Article 68); or
- (iii) a person who has failed to provide an indication required by the provisions of Article 87, or has provided a false indication.

Supplementary Provisions [Act No. 39 of June 12, 2013]

(Effective Date)

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

- (i) the provisions of Article 10 of the supplementary provisions: the date of promulgation; and
- (ii) the provisions of the following Article and Article 3 of the supplementary provisions: the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

(Preparatory Actions)

- Article 2 (1) A person seeking to obtain a license referred to in Article 50, paragraph (1) of the Act on Rational Use and Appropriate Management of Fluorocarbons revised by this Act (hereinafter referred to as the "New Act") may file an application for the license in accordance with the provisions of paragraph (2) of the Article even prior to the enforcement of this Act.
- (2) A person who has made a false statement in, and submitted, an application form in connection with an application pursuant to the provisions of the preceding paragraph or any document to be attached thereto is subject to punishment by imprisonment for not more than one year or a fine of not more than 500,000 yen.
- (3) If the representative of a corporation, or an agent, employee or other worker of a corporation or an individual has violated the provisions of the preceding paragraph with regard to the operations of the corporation or individual, the offender is subject to punishment by criminal sanctions prescribed in the preceding paragraph, and the corporation or individual is subject to punishment by the fine prescribed in the preceding paragraph.

Article 3 The designation pursuant to the provisions of Article 76, paragraph (1) of the New Act, and necessary procedures and other acts related thereto, may be made, taken or conducted in accordance with the provisions of the Article and Article 78 and Article 79, paragraph (1) of the New Act even prior to the date of enforcement of this Act (hereinafter referred to as the "date of enforcement").

(Transitional Measures)

Article 4 The provisions of Article 19, paragraph (1) (including when applied pursuant to the provisions of paragraph (2) of the Article) of the New Act apply to reports prescribed in paragraph (1) of the Article which are made in or after the fiscal year following the fiscal year in which the date of enforcement falls.

Article 5 (1) The provisions of Article 37, Article 39, paragraphs (2) and (6), Article 59, Article 60, Article 69, paragraph (2), Article 70, Article 74, paragraph (2), and Article 75 of the New Act do not apply to fluorocarbons related to class I specified products the maintenance or disposal, etc. of which has commenced prior to the date of enforcement.

(2) The provisions of Article 39, paragraph (4), Article 46, paragraph (1), Article 69, paragraph (5), and Article 74 (excluding paragraph (2)) of the New Act apply to fluorocarbons related to class I specified products the maintenance or disposal, etc. of which has commenced on or after the date of enforcement, and with regard to fluorocarbons related to class I specified products the maintenance or disposal, etc. of which has commenced prior to the date of enforcement, the provisions previously in force remain applicable.

Article 6 (1) A person who has been registered pursuant to the provisions of Article 9, paragraph (1) of the Act on Securing the Recovery and Destruction of Fluorocarbons Contained in Specified Products before revision by this Act (hereinafter referred to as the "Former Act") at the time of enforcement of this Act is deemed to be registered pursuant to the provisions of Article 27, paragraph (1) of the New Act.

(2) With regard to the application of the provisions of Article 30, paragraph (1) of the New Act to a person who is, pursuant to the provisions of the preceding paragraph, deemed registered pursuant to the provisions of Article 27, paragraph (1) of the New Act, the day on which the person was registered pursuant to the provisions of Article 9, paragraph (1) of the Former Act is deemed to be the day on which the person was registered pursuant to the provisions of Article 27, paragraph (1) of the New Act.

(3) If class I specified products are maintained at or before the time of enforcement of this Act, the person (excluding a person prescribed in paragraph (1)) that fills the class I specified products with fluorocarbons as a refrigerant in the course of trade (hereinafter referred to as "filling class I specified products with fluorocarbons" in the following paragraph) may continue to do so until six months elapse from the date of enforcement (if a registration is denied pursuant to the provisions of Article 29, paragraph (1) of the New Act within that period, until the date of denial) even without

registration referred to in Article 27, paragraph (1) of the New Act. If the person has filed an application for registration within that period, and the period has elapsed, the same applies until the registration relating to the application is accepted or denied.

(4) If a person is allowed by the provisions of the preceding paragraph to continue to engage in filling class I specified products with fluorocarbons in the course of trade, the provisions of Article 35, paragraphs (1) (excluding the portion related to rescission of registration) and (2), Article 37, Article 38, paragraph (1), Article 47, paragraphs (1) through (3), Article 48, Article 49, paragraphs (1), (2), (5) and (7), and Articles 91 through 93 (including the penal provisions pertaining thereto) apply by deeming the person to be a class I fluorocarbon filling and recovery operator that was registered with the municipal or prefectural governor with jurisdiction over the area where its operations are conducted.

Article 7 The provisions of Article 35, paragraph (1) of the New Act apply by deeming an act which falls under Article 17, paragraph (1), item (i) or (iv) of the Former Act and is undertaken prior to the enforcement of this Act by a person who is, pursuant to the provisions of paragraph (1) of the preceding Article, deemed registered pursuant to the provisions of Article 27, paragraph (1) of the New Act, to be an act which falls under Article 35, paragraph (1), item (i) or (iv) of the New Act.

Article 8 Beyond what is provided for in the preceding two Articles, any disposition, procedure or other act made, taken or conducted pursuant to any of the provisions of the Former Act (including orders pursuant to the Former Act) prior to the enforcement of this Act, for which disposition, procedure or other act a corresponding provision exists in the New Act (including orders pursuant to the New Act), is deemed to be a disposition, procedure or other act made, taken or conducted pursuant to these corresponding provisions.

(Transitional Measures for Penal Provisions)

Article 9 With regard to the application of penal provisions to any act committed before the enforcement of this Act, and any act committed after the enforcement of this Act in cases in which the provisions previously in force remain applicable pursuant to the provisions of Article 5, paragraph (2) of the supplementary provisions, the provisions previously in force remain applicable.

(Delegation to Cabinet Order)

Article 10 Beyond what is provided for in these supplementary provisions, transitional measures necessary for the enforcement of this Act are specified by

Cabinet Order.

(Review)

Article 11 After five years have elapsed since the enforcement of this Act, the government is to review the provisions of the New Act and take necessary measures based on the results thereof, if it finds it necessary to do so taking into consideration such matters as the status of enforcement of the New Act, the status of research and development of substances alternative to fluorocarbons, and the status of other research and development of technologies related to the rational use of fluorocarbons referred to in Article 98 of the New Act, and research and development of technologies related to the appropriate management of fluorocarbons used in specified products.

(Partial Revision of the Registration and License Tax Act)

Article 12 Part of the Registration and License Tax Act (Act No. 35 of 1967) is revised as follows.

Item (cxix) of the Appended Table 1 is revised as follows.

119 Licenses Granted to Class I Fluorocarbon Recycling Operators or Fluorocarbon Destruction Operators		
(i) Licenses(excluding renewed licenses)granted to class I fluorocarbon recycling operators pursuant to the provisions of Article 50, paragraph (1) (licenses granted to Class I Fluorocarbon Operators) of the Act on Rational Use and Appropriate Management of Fluorocarbons (Act No. 64 of 2001)	Number of Licenses Granted	ninety thousand yen per license
(ii) Licenses(excluding renewed licenses)granted to fluorocarbon destruction operators pursuant to the provisions of Article 63, paragraph (1) (licenses granted to Fluorocarbon Destruction Operators) of the Act on Rational Use and Appropriate Management of Fluorocarbons	Number of Licenses Granted	ninety thousand yen per license

(Partial Revision of the Act for Basic Registration of Residents)

Article 13 Parts of the Residential Basic Book Act (Act No. 81 of 1967) are revised as follows.

Paragraph (87) of the Appended Table 1 is revised as follows.

87 the Ministry of Economy, Trade and Industry or the Ministry of the Environment	Work related to a license referred to in Article 50, paragraph (1) of, renewal referred to in Article 52, paragraph (1) of, notification referred to in Article 53, paragraph (3) of, license referred to in Article 63, paragraph (1) of, renewal referred to in Article 65, paragraph (1) of, or notification referred to in Article 66, paragraph (3) of the Act on Rational Use and Appropriate Management of Fluorocarbons (Act No. 64 of 2001) pursuant to said Act, as set forth in an order of the Ministry of Internal Affairs and Communications.
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Paragraph (7) of the Appended Table 2 is to be deleted, and paragraph (7-2) of the Table is to become paragraph (7) of the Table.

Paragraph (12) of the Appended Table 3 is revised as follows.

12 a municipal or prefectural governor	Work related to a registration referred to in Article 20, paragraph (1) of, renewal referred to in Article 30, paragraph (1) of, or notification referred to in Article 31, paragraph (1) of the Act on Rational Use and Appropriate Management of Fluorocarbons pursuant to said Act, as set forth in an order of the Ministry of Internal Affairs and Communications.
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Paragraph (6) of the Appended Table 4 is to be deleted, and paragraph (6-2) of the Table is to become paragraph (6) of the Table.

Item (xvi) of the Appended Table is revised as follows.

(xvi) work related to a registration referred to in Article 27, paragraph (1) of the Act on Rational Use and Appropriate Management of Fluorocarbons, renewal referred to in Article 30, paragraph (1) of the Act, or notification referred to in Article 31, paragraph (1) of the Act, pursuant to the Act, as set forth in Order of the Ministry of Internal Affairs and Communications.

(Partial Revision of the Act on Recycling of End-of-Life Vehicles)

Article 14 Parts of the Act on Recycling of End-of-Life Vehicles (Act No. 87 of 2002) are revised as follows.

The term "Act for Securing the Implementation of Recovery and Destruction of Fluorocarbons Contained in Specified Products" in Article 2, paragraph (7) is revised to "Act on Rational Use and Appropriate Management of Fluorocarbons", "Fluorocarbons Recovery and Destruction Act" in the paragraph is revised to "Fluorocarbons Act", and "Article 33, paragraph (3) of the Fluorocarbons Recovery and Destruction Act" in paragraph (10) of the Article is changed to "Article 69, paragraph (4) of the Fluorocarbons Act".

The term "Article 26, item (ii), (d) of the Fluorocarbons Recovery and Destruction Act" in Article 26, paragraph (1) is revised to "Article 2, paragraph (12) of the Fluorocarbons Act".

The term "Fluorocarbons Recovery and Destruction Act" in Article 45, paragraph (1), item (ii) and Article 56, paragraph (1), item (ii) is revised to "Fluorocarbons Act".

(Partial Revision of the Act on Partial Revision of the Act on Prevention of Marine Pollution and Maritime Disaster)

Article 15 Part of the Act on Partial Revision of the Act on Prevention of Marine Pollution and Maritime Disaster (Act No. 36 of 2004) is revised as follows.

The term "Act for Securing the Implementation of Recovery and Destruction of Fluorocarbons Contained in Specified Products" in Article 9, paragraph (2) of the Supplementary Provisions is revised to "Act on Rational Use and Appropriate Management of Fluorocarbons", and "Article 38" is revised to "Article 86".