

Regulations for Enforcement of the Act on Promoting the Distribution and Use of Legally Harvested Wood and Wood Products

(Order of the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, and the Ministry of Land, Infrastructure, Transport and Tourism No. 1 of May 1, 2017)

(Definitions)

Article 1 The terms used in this Ministerial Order have the same meanings as the terms used in the Act on Promoting the Distribution and Use of Legally Harvested Wood and Wood Products (hereinafter referred to as "the Act"), and the terms listed in the following items have the meanings as specified respectively in those items:

- (i) type I Wood-Related Business means the businesses listed in (a) through (d) below:
 - (a) business where a person who acquired logs made from trees provided by the owner of the trees processes, exports or sells (excluding a sale to consumers; the same applies hereinafter) the logs (including business that entrusts the processing, export or sales operation to a third person);
 - (b) business where an owner of trees processes or exports logs made from the trees (including business that entrusts the processing or export operation to a third party);
 - (c) business where a person entrusted by an owner of trees with selling logs made from the trees (including those who are re-entrusted by the person with selling the relevant trees) sells the logs in the market for wood trading; and
 - (d) business to import wood and wood products
- (ii) type II Wood-Related Business means the businesses conducted by a wood-related business entity set forth in Article 2, paragraph (3) of the Act, other than Type I Wood-Related Business.

(Goods such as Furniture and Paper)

Article 2 Goods specified by order of the competent ministries set forth in Article 2, paragraphs (1) and (2):

- (i) chairs, desks/tables, shelves, furniture for storage, low partitions, coat hangers, umbrella stands, bulletin boards, blackboards, whiteboards and bed frames that are mainly made from wood;
- (ii) wood pulp;
- (iii) copy paper, form paper, coated paper for ink-jet color printers, uncoated

- printing paper, coated printing paper, tissue paper and toilet paper that are made of wood pulps;
- (iv) flooring whose base material is made from wood;
 - (v) wood-cement boards;
 - (vi) siding boards made from wood; and
 - (vii) goods that are made at the intermediate stage of manufacturing or processing the goods that are listed in the preceding items and produced as the goods after the manufacturing or processing stage that are made from wood or wood pulps.

(Business Using Wood and Wood Products)

Article 3 The business specified by order of the competent ministries set forth in Article 2, paragraph (3) of the Act is a business that supplies electric utilities (meaning electric utilities set forth in Article 2, paragraph (1) of the Act on Special Measures Concerning Procurement of Electricity from Sources of Renewable Energy by Electric Utilities (Act No.108 of 2011); the same applies hereinafter) with electricity obtained by converting woody biomass (organic substances derived from plants and animals which can be used as a source of energy (excluding crude oil, petroleum gas, combustible natural gas and coal and their products) that are derived from trees; the same applies hereinafter) provided by certified business operators set forth in Article 2, paragraph (5) of the Act on Special Measures Concerning Procurement of Electricity from Sources of Renewable Energy by Electric Utilities.

(Standards of Judgment for Wood-Related Business Entities)

Article 4 Matters specified by order of the competent ministries set forth in Article 6, paragraph (1), item (iv) of the Act are matters concerning the development of systems for wood-related business entities.

(Application for Registration of a Wood-Related Business Entity)

Article 5 A wood-related business entity that intends to obtain registration as a wood-related business entity set forth in Article 8 of the Act (including the renewal of a registration set forth in Article 12, paragraph (1) of the Act; simply referred to as "registration" in Article 8) must apply to a Registering Organization whose Registering Procedures cover the scope of business pertaining to the relevant registration.

(Matters to Be Stated in an Application)

Article 6 (1) Matters specified by an order of the competent ministries set forth in Article 9, paragraph (1), item (ii) of the Act (including the cases where applied mutatis mutandis pursuant to Article 12, paragraph (2) of the Act) are

as follows:

- (i) distinction of Type I Wood-Related Business and Type II Wood-Related Business;
 - (ii) distinction of business that manufactures, processes, imports, exports or sell wood and wood products, business that builds or constructs buildings and other structures using wood, and business that supplies electric utilities with electricity obtained by converting woody biomass;
 - (iii) department, office, factory or workplace to which measures are taken to ensure the use of legally harvested wood and wood products;
 - (iv) types of wood and wood products to which measures are taken to ensure the use of legally harvested wood and wood products;
 - (v) outlook for the annual weight, area, volume or quantity of the wood and wood products set forth in the preceding item; and
 - (vi) in case of an entity engaged in Type I Wood-Related Business, the type of trees that are the raw material of the wood and wood products set forth in item (iv) pertaining to the Type I Wood-Related Business (in case of goods listed in Article 2, item (i), limited to the raw materials for the members; in case of goods listed in item (iv) of the same Article, limited to the raw materials for the base materials) and the country or region where the trees were logged.
- (2) An entity engaged in Type I Wood-Related Business must, when stating the matters listed in items (iii) and (iv) of the preceding paragraph, state all departments, offices, factories and workplaces as well as all types of wood and wood products concerning the Type I Wood-Related Business.

(Documents to Be Attached to Written Application)

Article 7 (1) Matters specified by an order of the competent ministries set forth in Article 9, paragraph (2) of the Act (including the cases where applied *mutatis mutandis* pursuant to Article 12, paragraph (2) of the Act) are as follows:

- (i) matters pertaining to methods to properly and reliably take measures for ensuring the use of legally harvested wood and wood products; and
 - (ii) matters pertaining to separate management of legally harvested wood and wood products, assignment of personnel responsible for the measures to ensure the use of legally harvested wood and wood products, and development of other necessary systems.
- (2) The following documents must be attached to the written application set forth in Article 9, paragraph (1), beyond the documents set forth in paragraph (2) of the same Article.
- (i) in case of an individual, a copy of the certificate of residence;
 - (ii) in case of a corporation, the articles of incorporation or articles of

endowment, a certificate of registered information, and a list of officers; and
(iii) documents evidencing that the applicant does not fall under Article 11,
paragraph (1), items (ii) through (iv) of the Act.

(Matters of Publication for Registration)

Article 8 (1) Matters specified by an order of the competent ministries set forth in Article 10, paragraph (2) of the Act (including the cases where applied mutatis mutandis pursuant to Article 12, paragraph (2) of the Act) are as follows:

- (i) the name and address of a registered person; in case of a corporation, the name of its representative;
 - (ii) matters listed in Article 6, paragraph (1), items (i) through (iv); and
 - (iii) date of registration and number of registration.
- (2) A Registering Organization must, when having made a registration without delay, make the matters listed in the items of the preceding paragraph viewable for the public at the Registering Organization office and publicize this information via the Internet or by any other appropriate means until the day on which the registration is deleted.

(Change of Registered Matters for Wood-Related Business Entities)

Article 9 (1) A Registered Wood-Related Business Entities must, when having changed the matters listed in items of Article 9, paragraph (1), file an application for change of the registration to the Registering Organization without delay.

- (2) A Registered Wood-Related Business Entity that intends to file an application under the provisions of the preceding paragraph must submit a document stating the matters that have been changed and the document set forth in Article 9, paragraph (2) of the Act and the documents set forth in Article 7, paragraph (2) that evidence the change to the Registering Organization.
- (3) A Registering Organization must, when having received an application set forth in paragraph (1), change the registration by stating the matters that have been changed under paragraph (1) in the Wood-Related Business Entity registry, excluding the cases where a registration is deleted pursuant to the provisions of Article 14, paragraph (1) of the Act.
- (4) A Registering Organization must, when having changed a registration set forth in the preceding paragraph, notify that effect to the Registered Wood-Related Business Entity that has filed the application under the provisions of paragraph (1) and publicly notify thereof without delay.
- (5) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the public notice under the provisions of the preceding paragraph.

(Use of Name)

Article 10 (1) The names that a Registered Wood-Related Business Entity is allowed to use pursuant to the provisions of Article 13, paragraph (1) of the Act are, in accordance with the following categories of entities, the names specified in the relevant respective items:

- (i) person engaged in Type I Wood-Related Business is a Type I Registered Wood-Related Business Entity; and
- (ii) person engaged in Type II Wood-Related Business is a Type II Registered Wood-Related Business Entity.

(2) A Registered Wood-Related Business Entity using the names specified in the provisions of item (ii) of the preceding paragraph must take appropriate measures such as avoiding any display that may cause misidentification with regard to the scope of business pertaining to the relevant registration.

(Matters of Publication for Deletion of Registration)

Article 11 (1) A Registering Organization must, when deleting a registration under the provisions of Article 15 of the Act, publicly notify the following matters:

- (i) the name and address of the person whose registration has been deleted; in case of a corporation, the name of its representative;
- (ii) matters listed in Article 6, paragraph (1), items (i) through (iv);
- (iii) date when the registration is deleted; and
- (iv) registration number of the person whose registration has been deleted.

(2) A Registering Organization must, when having deleted a registration without delay, make the matters listed in the items of the preceding paragraph viewable for the public at the Registering Organizations office and publicize this information via the Internet or by any other appropriate means by the day on which one year has elapsed from the date of the relevant deletion.

(Application for Registering Organization Agency)

Article 12 (1) A person who intends to obtain registration as a Registering Organization set forth in Article 16 of the Act (including renewal of registration set forth in Article 19, paragraph (1) of the Act; referred to simply as "registration" in Article 21) must submit a written application stating the following matters to the competent ministers:

- (i) the name and address of the applicant; in case of a corporation, the name of its representative;
- (ii) location of the office where Registering Procedures will be conducted;
- (iii) date when Registering Procedures will be started; and
- (iv) subject of Registering Procedures.

(2) The following documents must be attached to the written application set forth

in the preceding paragraph; provided, however, that, if the relevant applicant has publicly notified the matters stated in the relevant documents by using the Internet or by any other appropriate means and will submit a document stating necessary matters to confirm the relevant matters together with the written application set forth in the same paragraph, the attachment of a document stating the relevant matters may be omitted:

- (i) in case of an individual, the following documents:
 - (a) a copy of a resident record; and
 - (b) a record of property;
- (ii) in case of a corporation, the following documents:
 - (a) articles of incorporation or articles of endowment;
 - (b) a certificate of registered information;
 - (c) a document stating the names and brief biographical outlines of officers; and
 - (d) the balance sheet for the business year immediately before the business year encompassing the day of the application and the property inventory list at the end of the business year or any documents equivalent thereto (in case of a corporation established in the business year encompassing the day of the application, a property inventory list as of the time of the establishment); and
- (iii) a document evidencing that the applicant does not fall under any of the items of Article 17 of the Act; and
- (iv) a document evidencing that the applicant conforms to all of the items of Article 18, paragraph (1) of the Act.

(Change of Registered Matters of Registering Organization)

Article 13 (1) A Registering Organization must, when having changed the matters listed in Article 18, paragraph (2), item (ii) of the Act or paragraph (1), item (iv) of the preceding Article of the Act, notify thereof to the competent ministers without delay.

- (2) A Registering Organization that intends to make a notification under the provisions of Article 21 of the Act or the preceding paragraph must submit a document stating the matters that have been changed in the same Article or the same paragraph to the competent ministers.
- (3) The competent ministers must, when having received the notification under the provisions of Article 21 of the Act or paragraph (1) (limited to a notification pertaining to the change of matters listed in Article 18, paragraph (2), item (ii) or (iii) of the Act), register the change by stating the matters that have been changed in the Registering Organization registry.
- (4) The competent ministers must, when having registered the change set forth in the preceding paragraph, give public notice to that effect in an official

gazette.

(Renewal of Registration)

Article 14 (1) A Registering Organization that intends to renew its registration set forth in Article 19, paragraph (1) of the Act must apply for the renewal of its registration currently in effect with the competent ministers no later than six months prior to the day on which the validity period for the registration expires.

(2) In case the application set forth in the preceding paragraph has been filed and when no disposition has been rendered for the application by the expiration date of the validity period of the registration, the previous registration remain in effect until a disposition is made even after the expiration of the validity thereof.

(3) In case of the preceding paragraph, when the registration is renewed, the validity period of the registration is to be calculated from the day following the date of expiration of the validity period of the previous registration.

(Criteria Concerning Method of Registering Procedures)

Article 15 The criteria specified by an order of the competent ministries set forth in Article 20, paragraph (2) of the Act are as follows:

(i) when a registration of a wood-related business entity set forth in Article 8 of the Act (including the change of registered matters set forth in Article 9, paragraph (3) and the renewal of registration set forth in Article 12, paragraph (1) of the Act; simply referred to as "registration" in this Article and Article 20) is made, examination of the documents pertaining to the relevant application, inquiry with the applicant on an as-needed basis, and other investigations will be conducted to confirm that the applicant does not fall under any of the items of Article 11, paragraph (1) of the Act.

(ii) when a registration is made, the following matters will be specified with the applicant in advance:

(a) the applicant must, when having obtained registration, report to the Registering Organization about the implementation status of measures taken to ensure the use of legally harvested wood and wood products at least once a year.

(b) the applicant, when having obtained registration, must cooperate with an inquiry or other means of investigation that is conducted when the Registering Organization finds it necessary to confirm that the applicant properly and reliably takes measures for ensuring the use of legally harvested wood and wood products within the scope of business pertaining to the registration and conforms to the provisions of Article 10.

(iii) when a Registered Wood-Related Business Entity is found to fall under

Article 11, paragraph (1), item (i) or Article 14, paragraph (1), item (ii) of the Act as a result of the report set forth in (a) of the preceding item or the investigation set forth in (b) of the same item, the relevant Registered Wood-Related Business Entity will be requested to properly and reliably take measures for ensuring the use of legally harvested wood and wood products within the scope of business pertaining to the registration and to conform to the provisions of Article 10.

(iv) information acquired in the course of Registering Procedures must be kept confidential.

(Granting of the Opportunity for Explanation)

Article 16 A Registering Organization must, when deleting a registration of a Registered Wood-Related Business Entity under the provisions of Article 14, paragraph (1) of the Act, notify the Registered Wood-Related Business Entity thereof and grant the opportunity for explanation no later than one week prior to the date of deletion.

(Rules of Registering Procedures)

Article 17 Matters specified by an order of the competent ministries set forth in Article 22, paragraph (2) of the Act are as follows:

- (i) matters concerning the subject of Registering Procedures;
- (ii) matters concerning the hours for conducting Registering Procedures and holidays;
- (iii) matters concerning the office where Registering Procedures are conducted;
- (iv) matters concerning the collection of fees for Registering Procedures;
- (v) matters concerning the means of implementing Registering Procedures;
- (vi) matters concerning the retention of confidential information that was acquired in the course of Registering Procedures;
- (vii) matters concerning the management of books, documents, etc. on Registering Procedures;
- (viii) matters concerning securing fairness in Registering Procedures;
- (ix) matters concerning organizations that conduct Registering Procedures;
- (x) matters concerning the duties of the person who conducts Registering Procedures; and
- (xi) other necessary matters concerning Registering Procedures.

(Notification of Suspension or Discontinuation of Registering Procedures)

Article 18 A Registering Organization that intends to make a notification under the provisions of Article 23 of the Act must submit a written notification stating the following matters to the competent ministers no later than six months prior to the day on which Registering Procedures are suspended or

discontinued:

- (i) the name and address of the person; in case of a corporation, the name of its representative;
- (ii) location of the office where Registering Procedures to be suspended or discontinued are conducted;
- (iii) subject of Registering Procedures to be suspended or discontinued;
- (iv) date when Registering Procedures will be suspended or discontinued; and
- (v) in case of suspension, the period.

(Method of Indicating Matters Recorded in Electronic or Magnetic Records)

Article 19 (1) The method specified by an order of the competent ministers set forth in Article 24, paragraph (2), item (iii) of the Act is the one of indicating electronically or magnetically recorded matters on paper or on the screen of an output device.

(2) The electronic or magnetic method specified by an order of the competent ministries set forth in Article 24, paragraph (2), item (iv) of the Act is to be specified by a Registering Organization from those listed below:

- (i) means of using an electronic data processing system connecting the computer used by a sender and the computer used by a receiver over a telecommunications line, by which information is sent over the telecommunications line and recorded in a file stored on the computer used by the receiver; and
- (ii) means of delivering information, which are prepared with any object enabling secure storage of certain information through magnetic disks or any other means equivalent thereto.

(Books)

Article 20 (1) The books set forth in Article 28 of the Act must be prepared and maintained in each office conducting Registering Procedures and stored until the Registering Procedures are abolished.

(2) Matters specified by an order of the competent ministries set forth in Article 28 of the Act are as follows:

- (i) matters listed in the items of Article 9, paragraph (1) of the Act;
- (ii) date on which the application for registration was received;
- (iii) distinction of registration or refusal of registration;
- (iv) in the case where the registration was refused, the reason;
- (v) in the case where the registration was made, the date of registration and registration number; and
- (vi) other necessary matters concerning implementing Registering Procedures.

(3) A Registering Organization must, when having made or refused a registration, state the matters listed in the items of the preceding paragraph in the books

without delay.

(Public Notice of Registering Organization)

Article 21 The competent ministers must, when having made a registration, publicly notice the following matters:

- (i) matters listed in the items of Article 18, paragraph (2) of the Act; and
- (ii) subject of Registering Procedures of the Registering Organization.

(Form of Identification Cards)

Article 22 The form of identification cards carried by officials who conduct an on-site inspection pursuant to the provisions of Article 33, paragraphs (1) and (2) of the Act is to be based on the appended form.

Supplementary Provisions

This Ministerial Order comes into effect as of the day of enforcement of the Act on Promoting the Distribution and Use of Legally Harvested Wood and Wood Products (Act No.48 of May 20, 2017).

Form (Related to Article 22) (Japanese Industrial Standard "A" Series size 7)

(表)

年 月 日交付第	号 (使用期限一年)	
職 名	氏 名	生 年 月 日
合法伐採木材等の流通及び利用の促進に関する法律第三十三条第一項及び第二項の規定による 立 入 検 査 証		
		主務大臣 印

(Front)

Issued on:	No.	(Validity period of one year)
Title	Name	Date of birth
Certificate of On-Site Inspection Under the provisions of Article 33, paragraphs (1) and (2) of the Act on Promoting the Distribution and Use of Legally Harvested Wood		
The Competent Minister		Seal

(Back)

Extracts from the Act on Promoting the Distribution and Use of Legally Harvested Wood	
Article 33	The competent minister may, to the extent necessary for the enforcement of this Act, order a wood-related business operator to report the status of ensuring the use of legally harvested wood, etc., or have the officials enter the business office, factory, workplace, or warehouse of the wood-related business operator and inspect account books, documents, and other articles.
(2)	The competent minister may, to the extent necessary for the enforcement of this Act, order a Registration Implementation Agency to report its business activities, or have the officials enter the business office and inspect the status of its business activities or account books, documents, and other articles.
(3)	An official who conducts an inspection pursuant to the provisions of the preceding two paragraphs must carry his/her identification card and present it to the persons concerned.
(4)	The authority for the on-site inspection under the provisions of paragraphs (1) and (2) shall not be interpreted to be approval for a criminal investigation.
Article 37	A person who falls under any of the following items shall be punished by a fine of not more than three hundred thousand yen: (i) through (iii) (Omitted) (iv) A person who has failed to report under the provisions of Article 33, paragraph (2), or made a false report or refused, interfered with or evaded the inspection under the provision of the same paragraph.
Article 38	A person who has failed to make a report pursuant to the provision of paragraph (1) of Article 33 or who has made a false report or refused, interfered with or evaded the inspection under the provision of the same paragraph shall be punished by a fine of not more than two hundred thousand yen.

(裏)

合法伐採木材等の流通及び利用の促進に関する法律抜粋

第三十三条 主務大臣は、この法律の施行に必要な限度において、木材関連事業者に対し、合法伐採木材等の利用の確保の状況に関し報告をさせ、又はその職員に、木材関連事業者の事務所、工場、事業場若しくは倉庫に立ち入り、帳簿、書類その他の物件を検査させることができる。

2 主務大臣は、この法律の施行に必要な限度において、登録実施機関に対し、その業務に関し報告をさせ、又はその職員に、登録実施機関の事務所に立ち入り、業務の状況若しくは帳簿、書類その他の物件を検査させることができる。

3 前二項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者に提示しなければならない。

4 第一項及び第二項の規定による立入検査の権限は、犯罪捜査のために認められたものと解釈してはならない。

第三十七条 次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

一～三 (略)

四 第三十三条第二項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した者

第三十八条 第三十三条第一項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した者は、二十万円以下の罰金に処する。